



INTERNATIONAL RIGHT OF WAY ASSOCIATION

**Kachina Chapter 28
Phoenix, Arizona**

Newsletter

www.irwaaz.com

JULY & AUGUST, 2004

JULY BOARD MEETING

-  Wednesday, July 7, 2004
-  4:45pm
-  3rd Floor Conference Room
-  Az State Land

Confirm your attendance with
Doug McLaughlin, SR/WA at
dwm@mail.maricopa.gov

The 2004 Education Seminar Committee is actively planning the 46th annual Education Seminar, scheduled for September 16-17. If you would like to help and have some fun while donating your valuable time, please contact Chris Banks, SR/WA or any Board member (the list can be found at: <http://www.irwaaz.com/committees.html>). The Committee is currently seeking sponsors (corporate and private) to help defray the cost of providing the best educational conference ever. If you know someone who would like to be a sponsor, advertise in the Seminar brochure, or donate door prizes or "goody bag" items, please let me know and someone will contact them.

Chris Banks, SR/WA
2004 Seminar Co-Chair
602-236-8175 or cdbanks@srpnet.com

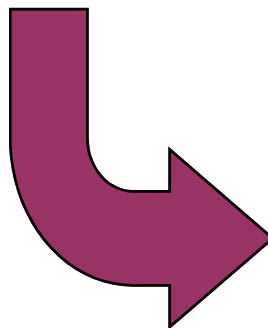
AUGUST BOARD MEETING

-  Wednesday, August 4, 2004
-  4:45pm
-  3rd Floor Conference Room
-  Az State Land

Confirm your attendance with
Doug McLaughlin, SR/WA at
dwm@mail.maricopa.gov

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PRESIDENT'S MESSAGE

Doug McLaughlin, SR/WA, Chapter President

The Finance Committee has returned its recommendations and presented them to the Board for its acceptance, rejection and/or implementation. In my June letter to the membership, I mentioned that the Finance Committee was set up to review all of the Chapter's revenue sources and expenses.

I would like to commend all the members of the Finance Committee for taking the time and effort to accomplish this review of the Chapter's finances.

The following is their list of recommendations.

1. Eliminate the stamp machine.
2. Increase the fee for the Seminar
3. Explore new sources of revenue (Web site and Seminar brochure)
4. Hold fewer classes each year
5. Improve the seminar brochure
6. Eliminate donation to the IRWA Education Fund
7. Reduce the number of luncheons.
8. Reduce or eliminate the donation to ASU Scholarships.

The easiest item to eliminate was the stamp machine; its usefulness had passed when the web site was created and it was no longer necessary to mail out the newsletters.

Both the Finance Committee and Educational Chairs reviewed the costs of the classes that were held recently and the changes that International is implementing the first of July regarding the costs per student. Because of the low attendance in recent years the Committees felt that it is time the Chapter restructures how many classes are held each year and establish a minimum number of students.

The Committees' recommendation was to reduce the number of classes to be held each year to 7 and the minimum number of students to be 13. The Board agreed to their recommendation.

If the minimum number of registrants can not be reached by the 4th week prior to the start of the class the Board along with the Educational Chair will review the current number of registrants along with other information provided by the class coordinator to make the final determination on whether a class is cancelled or not. If it is necessary to cancel a class all funds will be returned to the issuer within 30 days.

To help prevent canceling a class, register early or let the class coordinator know that you plan on attending and are in process making arrangements to do so.

The Educational Chair is also look at scheduling classes to make sure that the core class requirements for the SR/WA designation can be meet within a reasonable length of time.

The Committee also looked at the instructor's fees and per diem rate paid to visiting instructors. They recommend that the instructors' fees be no higher than \$500 per day and the guideline for the per diem rate be based on the Federal Rates or paid receipts. The Committee also understood that from time to time a different rate could be negotiated with the instructor of the class because of the uniqueness.

The Committee has recommended that the fees charged for the Chapter's Annual Seminar should be increased. The Board agreed with them and approved their recommend fees for the Annual Seminar. The fees that where adopted are post on the Chapter web site. Look for the Seminar Registration form.

The Chapters' Annual Seminar is a tradition that the Board believes has been a great value to its members and the Chapter. The topics present by our guest speaker on the first day are informative and relate to current events. The classes held on the second day provide those seeking credits for Real Estate, SR/WA Renewal, and Appraisal an opportunity to do so at a reasonable cost. Those with their SR/WA designation also can receive renewal credits towards their SR/WA continuing education requirements.

Over the past several years the costs of putting the Annual Seminar on has risen sharply. The fees the Hotels charge for the use of equipment (audio, visual, etc), luncheons, snacks, and rooms are a large part of those increase. In order to continue to provide the Chapters Annual Seminar, it was necessary to increase the fees to off set the risen costs.

The Committee also recommended that we find new sources of revenue. Their suggesting was to sell advertisements on the front page of the Chapters web site and in the annual seminar brochure.

The advertisement on website is being look at. The Web mistress is working on how to make the ads pop up on the front page and the ability to link the pop up ads with the advertisers website. The Board feels this will provide the members of the Chapter with a source to find those organizations that can help them get their right of way needs completed for the project.

The new style of Annual Seminar Brochure will be large enough for advertisers to have a whole page or portion of pages. The Brochure as being structured so that it will be able accommodates the Seminar Program and advertisement.

The Chapter also will acknowledge those individuals or companies in the brochure that help sponsors the Seminar. These individuals and companies have always been a great asset to the Chapter and the Board feels they should be recognized for their contributions.

AUGUST LUNCHEON

Pam Hicks, Chair

When: Tuesday, August 10, 2004 at 11:30am

Where: Doubletree Guest Suites at 320 North 44th Street (NWC 44th Street/Van Buren) Phoenix, Arizona 85008

Menu: features Italian Buffet including Garden Green Salad with Italian Dressing, Traditional Style Meat Lasagna, Fresh Vegetable Medley, Garlic Bread, Tiramisu, Coffee, Iced Tea, Coffee or Decaf.

Cost: \$15 for members and guests (please have exact change or your check made out to IRWA Chapter 28)

Reservations: Deadline is 3:00PM, Thursday, August 5, 2004

Please RSVP online at www.irwaaz.com or Call Pam Hicks @ 602-236-5948 or Rebekah Louis at 602-236-1895 to make reservations

MEMBERSHIP

Heather McCook, Chair

The following applicants were approved for membership at the June 2, 2004 Executive Board Meeting:

- Carol Martsch, City of Tempe
- Thomas Hosier, GE Franchise Finance Co.
- Steven Thoreson, Acquisition Sciences, LTD
- Leon Graton, City of Glendale

The following applicants were read for 30 day consideration at the June 2, 2004 Executive Board Meeting:

- James P. Mertz, MCDOT
- Gregory R. Moore, SRP
- Patricia A. Duffy, SRP

August Luncheon Note.....

Nominations for the 2005 Chapter Officers will be taken from the floor at the August Luncheon. Please plan on attending to participate in the nomination process.

THOUGHT FOR THE DAY



"America will never be destroyed from the outside. If we falter and lose our freedoms, it will be because we destroyed ourselves." ~Abraham Lincoln

SEMINAR UPDATE

The 46th Annual Educational Seminar is fast approaching. It's time to start thinking about the special awards that will be given out at the Awards Luncheon on September 16th. Criteria for the awards can be found on the Chapter website at: www.irwaaz.com/04seminar.htm or **page 6 of this Newsletter issue.**

You can email your nominations to Paul Herndon at:
paul.herndon@aps.com

2004 Kachina Chapter Executive Board

President:

Doug McLaughlin, SR/WA
602.506.4648
dwm@mail.maricopa.gov

Treasurer:

Toni Soderman, SR/WA
602.506.4883
tonisoderman@mail.maricopa.gov

President Elect:

Chris Banks, SR/WA
602.236.8175
cdbanks@srpnet.com

International Director:

Melita Hillman, SR/WA
480.644.2671
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Secretary:

Michael Sterling
602.410.2994
doc51s.ent@earthlink.net

Region 1 Chair:

Mark Keller, SR/WA
602.236.8164
makeller@srpnet.com

The 50th Annual International Education Conference
Philadelphia, Pennsylvania
June 20-25, 2004

The 50th Annual IRWA International Education Conference, held in historic Philadelphia, is now history. From the Sunday evening President's Welcome Reception to Thursday's Installation Banquet, the Conference Host Committee and Chapter 9 in Colonial Region 4 and the City of Philadelphia provided a memorable and enjoyable conference. Over 900 participants attended the Conference from throughout the United States, Canada, Japan and South Africa.

I was pleasantly surprised by the host city's abundance of sights, activities, museums and parks, fountains, restaurants within walking distance of the conference hotel. And the weather was great – in the upper 70's and 80's, mostly sunny and not too humid for us desert dwellers.

The Monday opening ceremonies were impressive with a historic "Spirit of 76" color guard presenting the colors of both the United States and Canada. And the entrance of International President "Rocky" Marx was truly memorable. The keynote speaker Dr. Lowell Catlett, a futurist and economics professor from New Mexico, had our undivided attention as he pointed out new themes and changes that will affect our lives, economies and jobs for years to come. If only my economics professors had been so entertaining.

Over 700 attended Monday's Night's "A Taste of Philly" at the National Constitution Center which included Philly cheese steaks, the bright costumes and music of the Frallinger String Band (think the "Mummers" parade) as well as a rock and roll band and a 50's style dance contest that would have made Dick Clark proud. The National Constitution Center, the newest museum in the Independence Mall area, is devoted to the development and evolution of the Constitution that is the foundation of our government. With lots of hands-on exhibits, you can even see yourself sworn in as President and walk among the signers of the Constitution.

The Finnegan Fun Run and Walk on Tuesday morning tested those who partied too much on Monday evening as we traversed Benjamin Franklin Parkway from the hotel to the "Rocky" steps in front of the Museum of Art. Several photos document those who climbed the stairs and performed the "Rocky dance".

Tuesday's Awards Luncheon honored employers, chapters and newsletters from throughout the Association. Region One was well represented with Chapter 1 of Los Angeles, Alameda County Public Works, Universal Field Services and Reno Chapter 46 receiving awards. Several members accepted their SR/WA at the luncheon and were among the 90 plus members to receive the award this year.

The Silent and Live Auction Tuesday evening provided some vigorous bidding on a few items and raised in excess of \$18,400 for the Right of Way Educational Foundation and the Canadian Right of Way Education Foundation. Wednesday's Golf Tournament added another \$25,000 to the combined foundations.

Wednesday's "Breakfast of Champions" featured Mike Schlappi of Utah, a four time Olympic medalist in wheel-chair basketball. His inspirational presentation on adapting to and overcoming adversity with the reminder that even "if you can't stand up, stand out" had all of us on our feet by the end.

At Thursday evening's Presidential Banquet and Dance, incoming President Gordon McNair, SR/WA and all the other officers and directors were sworn in. The Balfour Award was presented to Michael Pattison, SR/WA, of Sacramento. The evening ended with dancing to a lively rock and roll band that even had our own Mark Keller, Anne and Lauren on the dance floor.

Scattered in among these events were sessions, trips and tours to meet every interest imaginable. Those who arrived early attended classes while others stayed over for side trips to New York and an Instructor's Clinic attended by our President, Doug McLaughlin. Over 440 participants enjoyed tours of Philadelphia's historic and environmental areas, parks as well as to Hershey, the Amish Country, Longwood Gardens and other sites in the historic area. In addition, many of us explored the Center City, Independence National Historical Park, shopped in range of shops including the Reading Terminal Market, ate in wonderful restaurants and pubs, and enjoyed a variety of museums. The week and the City truly had something for everyone.

The 50th Annual International Education Conference
Philadelphia, Pennsylvania
Board of Director's meeting
Thursday, June 24, 2004

At Thursday's Board of Director's Meeting, the annual formal business meeting of the Association was held. Agenda items included election of the officers and directors for the 2004-2005 year, Regional Officers formally elected for the next two years including our Mark Keller as Region One Chair, International Committee Chairs and Vice-Chairs appointed, the 2005 budget was accepted and two resolutions were approved.

In the election of the new member of the IEC, Faith Roland of Seattle was the candidate from the Nominations and Election committee with Joe Bottino, the Chair of the Seminar Host Committee in Philadelphia, nominated from the floor for the seat. After presentations for and by both candidates, the Directors voted with Faith Roland the successful candidate. No city has come forward to host the 2009 conference so the IEC is looking at selecting from St. Louis, Nashville, Indianapolis or Baltimore for that conference. We were then welcomed by Kevin Paul of the Toronto Host Committee with a presentation urging us to attend next year's conference close to the home of our new International President Gordon McNair of Ottawa, Canada. The meeting adjourned.

Two resolutions were approved by the Board of Directors. The first changes the fiscal year of the Association from a calendar year to a July 1 – June 30 fiscal year, effective July 1, 2005. This change at the national level does not require our chapter to change from the current calendar year nor affect our filing of the informational tax return for the chapter. The other resolution approved a dues increase for the 2005 membership year. Effective January 2005, International dues will be \$190 for Senior members and \$175 for regular members. Retired members will also see an increase to \$40 and \$20 reflecting with and without the magazine. In addition, Chapter 28 local dues of \$10 are collected with the membership invoices sent out.

The IEC also accepted the recommendation of Region 1 Realignment Task Force to allow up to 15 chapters in each Region. This may require a revision to the Association's By-laws at a future meeting.

46th Annual Educational Seminar

Date: September 16 & 17, 2004

Place: Sheraton Phoenix Airport Hotel, 1600 South 52nd St., Tempe, AZ 85281

Educational Courses: Course 215 [Skills of Expert Testimony] & Hot Topic H006 [Successful Settlements through Mediation].

Website Link for Information: <http://www.irwaaz.com/04seminar.htm>

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- Corporate Sponsors are needed to help underwrite the Seminar. This year we are offering brochure advertising. Please contact Doug McLaughlin, SR/WA or Chris Banks, SR/WA for further info.
 - Donations for the goody bags and door prizes are being sought. If your company can donate, please contact Doug or Chris.
 - The Seminar Brochure will be available online within the next 30 days. Please continue to check the Seminar page as information is added.

SPECIAL AWARDS CRITERIA

Employer of the Year Criteria

Does Employer:

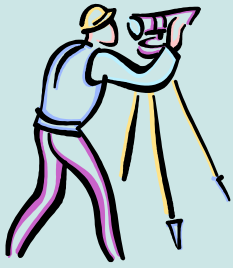
- ✓ Encourage participation in IRWA at local, regional and/or international levels?
- ✓ Pay member dues, luncheons, courses, etc?
- ✓ Encourage participation by allowing time off (with pay) while members attend Chapter and Association functions?
- ✓ Encourage membership? Encourage participation by employees to serve on Committees and/or the Executive Board?
- ✓ Support the Association by donation, in dollars, by providing equipment, meeting rooms, etc?
- ✓ Recognize value of possessing the SR/WA designation? Increase pay, adding designation to your business cards, allows signature usage to include SR/WA after your name, etc?

Special Services Award Criteria

- ✓ How long a member if IRWA? Of Chapter 28?
- ✓ How active? Has the member served on or chaired any committees or served as a Board Member?
- ✓ Community involvements are a plus but NOT a requirement
- ✓ Is the individual ready, willing and available for special projects?
- ✓ Does the individual put forth "above and beyond" effort to consistently assist other members (especially new members)?
- ✓ Does the individual advocate membership?
- ✓ Does the individual present a professional and personable image and represent the IRWA in the manner consistent with the Association Code of Ethics and guidelines?

Professional of the Year Criteria

- ✓ How long a member if IRWA? Of Chapter 28? How active?
- ✓ Has the individual served as an elected officer of Chapter 28 or any other Chapter of IRWA? If yes, what offices has this individual had?
- ✓ What appointed positions has individual held? Served as Chair or member of committee? What committees and for how long?
- ✓ Is the individual an SR/WA? If so, how long? Is he/she a Candidate?
- ✓ Does or has this individual served as Chair or as a member on any Regional Committee?
- ✓ Does or has this individual served as Chair or as a member on any International Committee?
- ✓ Does this individual attend monthly meetings, executive board meetings, local educational seminars, regional forums or international seminars?
- ✓ Does this individual participate at these functions as a speaker, program coordinator or committee member?
- ✓ Does this individual willingly give his/her time to help at Chapter/Regional/International levels? If so, what responsibility has this individual completed in a professional and successful manner?
- ✓ Has this individual come up with suggestions that help make money for the Association at the Chapter/Regional/International level?
- ✓ Have they written or provided an article for the newsletter or R/W Magazine?
- ✓ Is this individual an IRWA Instructor?
- ✓ Does this individual participate in other organizations that benefit the community/nation? If so, in what capacity or in what manner?
- ✓ Does this individual present the professional image that the IRWA seeks to project to the public? In other words, does this person represent the association in a professional, friendly and selfless manner promoting and serving the association and the membership, rather than promoting themselves and how the association can serve/promote their own agenda/interests and goals.



Surveyor's Corner

Gregg Tuttle, Manager
SRP Land Department
Surveys Division

Gregg- So just what is a "Surveyor's Corner" ? Shouldn't your column be entitled: "The Surveyor's Monument"?

Hmmm! The old questions about the 'corner' versus the monument!

This gets to the heart of the discussion and understanding that the terms 'corner' and 'monument' are NOT synonymous. A corner may be (correctly) monumented, BUT, possibly, a 'monument' may NOT be at any corner location.

Many people use the term (loosely) "corner pins" (such as, "that rebar is a corner pin.") Many professional people, - who should know better, - (realtors, for one example), will say to the land owner, "I will show to you the 'corner pins' of your property." What they should say is that "we will look and see if we can find any physical objects, that may or may NOT be monuments - purporting the location of the corner positions of your property." And, "Ah, yes, there is a rebar sticking out of the ground over there. Wow! Finding these 'corner-pins' is easy, and think of the money we will save by not having to hire some surveyor to find what is so obvious and easy to see for ourselves." (Please excuse this writer's attempt at biting sarcasm, with just a dash of irony thrown in for good 'measure' (survey-pun-intended! J).

There are lots of minor variations of the definitions for a corner:

The point of change of direction of a land boundary."

"The point of intersection of two course in a land description".

"A point on a land boundary at which lines meet." "An angle point in the perimeter of a parcel."

"The exact place, point, terminus or angle point of a dividing boundary between parcels of property."

"The point of intersection of two course in a land description".

There are equal variations in the definitions for a monument:

"A structure intended to mark the location of a corner; a permanent object, natural or artificial, which is a landmark established to indicate a boundary."

"Tangible landmarks indication land boundaries." They may be one or more of the following:

- a. **PHYSICAL MONUMENT:** a monument which is an **EXISTING FEATURE** such as a stone, or tree, (but NOT the unmarked line of an adjoiner.)
- b. **NATURAL MONUMENT:** a naturally occurring object, such as a lake, a river, a ridge- line, a topographical feature such as an elevation, etc.
- c. **ARTIFICIAL MONUMENT:** is a manmade object such as a stake, a pipe, a set stone, fence, brass cap, bronze disc, a 'rebar', an iron-pin, etc.
- d. **RECORD MONUMENT:** such as an adjoiner property called for in a deed, such as a street, or a particular parcel of land. When the boundary of an adjoiner is so referenced (as a Record Monument), then, actually, the entire property, rather than just one line is the monument. **NOTE:** a physical object monument may or may not mark a Record Monument. Usually, a Record Monument has senior standing, but not always. **LEGAL MONUMENT:** any monument controlling in a written property boundary description. It is often limited in meaning so as to be synonymous with record monument.

What should be understood by the competent surveyor, (and, also, should be understood by other land and land-right professionals), is that a monument and a corner are not the same thing.

To a surveyor, a monument may be just about anything, i.e. a wooden stake, a stone, (natural or set), a brass disk, a cement post, a rebar with or without a cap, a nail, a stream, a river, a fence, a wall, a building, a tree and the list goes on and on. To a surveyor, it is any physical object that has been used, is currently being used, or will be used, to identify a property corner.

Continued next page...

Surveyor's Corner...continued

Verifiable monuments are a critical component in maintaining tranquility between property owners. This is accomplished by bringing *permanency* to the location of boundaries. The *permanency* can be maintained by competent surveyors, with their ability to re-trace the correct locations of a property boundaries, (via the corners), with respect to the locations of the purported monuments which were used to establish ownership.

If a 'monument' is not at a corner position, but it makes the representation, in some manner, that it is at a correct location for the corner, then that monument is as a false-witness to the corner. Essentially, that monument is mis-leading those who may be relying on it.

It is the responsibility, and duty, of the professional land boundary surveyor, in the process of a *competent* boundary re-tracement survey, to gather enough evidence, records, documents, testimony and other means, as necessary, to correctly and accurately re-trace the original lines of ownership and verify (or refute) each monument's locations with respect to each of the actual corner's positions.

Quoting here from the professional presentation paper:

"SURVEY MONUMENT AND THE LAW" by Chuck Karayan, L. S., as presented at the ACSM Convention, in Nashville, TN, in April 2004

(see the webpage: <http://www.acsm.net/KarayanLegalAspect42004.pdf> page 3 of 12).

"A well known rule of thumb in surveying is that *Corner Monuments* have no error of position if:

- (1) They are called for (directly or impliedly) in the written description; and,
- (2) They are identifiable as the called for monuments; and,
- (3) They are undisturbed"

"It is important to remember that monuments, in and of themselves, have no significance."

Monuments gain significance by the authority of the parties to a conveyance, e.g. their agreement to be bound by the monuments' locations.

All property owners are bound by the acts of their predecessors in title.

If the predecessor has granted away a portion of his/her property rights to a third party, a successor in interest cannot deny such rights or claim them as their own. So too is a successor in interest limited by his/her predecessors' pronouncement regarding boundaries and Corner Monuments."

Mr. Karayan's article goes on to ask the question:

"But what if the parties agreed to be bound by monuments that were TO BE SET AT A LATER DATE?" (CAPITALIZATION added here for Emphasis, by GMT).

If you want to have his answer – then please obtain a copy of his Most EXCELLENT presentation paper, on the subject of surveyors and monuments, which can be obtained through the webpage URL address given above, in the PDF file document format.

(You will need to have an Adobe Acrobat Reader, but, then, if you are reading this far, in this article, AND, you consider yourself a professional, well then you will already have that capability. J)

So, to recap:

A corner may or may not be properly 'monumented'.

A 'monument' may or may not be correctly located at a corner position.

There are many, many physical objects *that may* have some appearance of being a 'monument', which, in fact, are *only* physical objects, (such as the found iron-pipe, that subsequent investigations shown was placed and used only as a tether for the family's pet goat - the infamous 'goat-stake' !)

And, original corner-monuments which were correctly established, and, called for in the written boundary descriptions, can still be in existent, or, they can be obliterated (technical survey – legal definition), or, they can truly be "LOST" (another survey – legal term to understand) - however, the corner positions are still as they always were when they were first created, they always are existent, even though some may believe they are also 'lost' – BUT, only a monument gets lost, corners are always there, (even if it in a virtual state. J).

If you have 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. *Until next time – Thank you.*

Gregg Tuttle, manager, SRP LAND-Surveys Division