

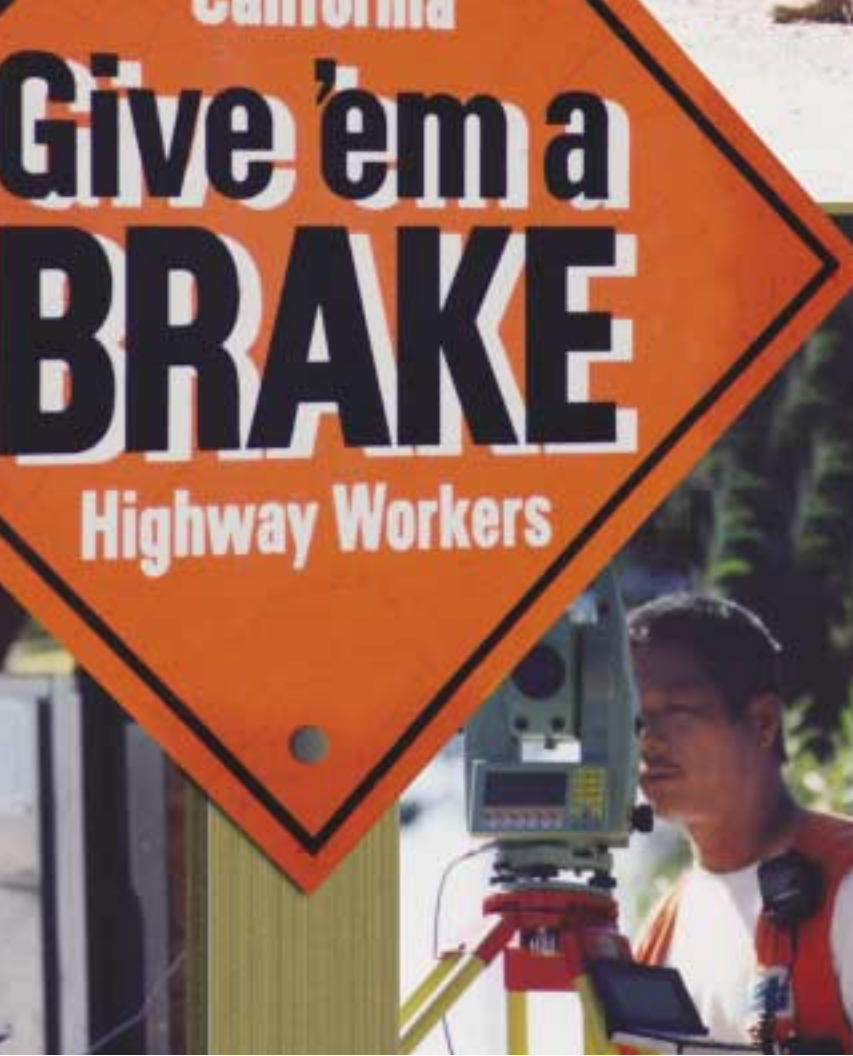
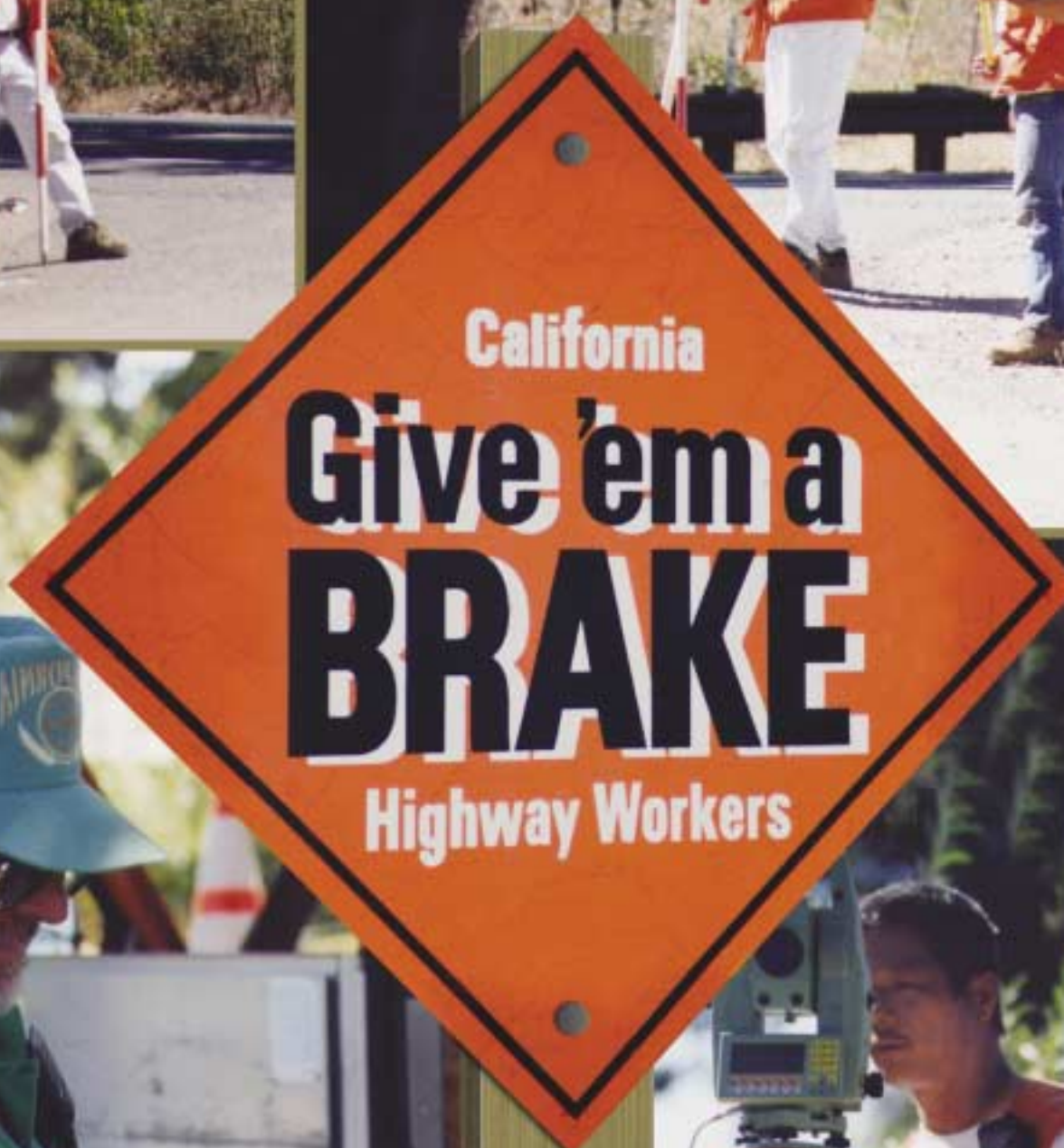
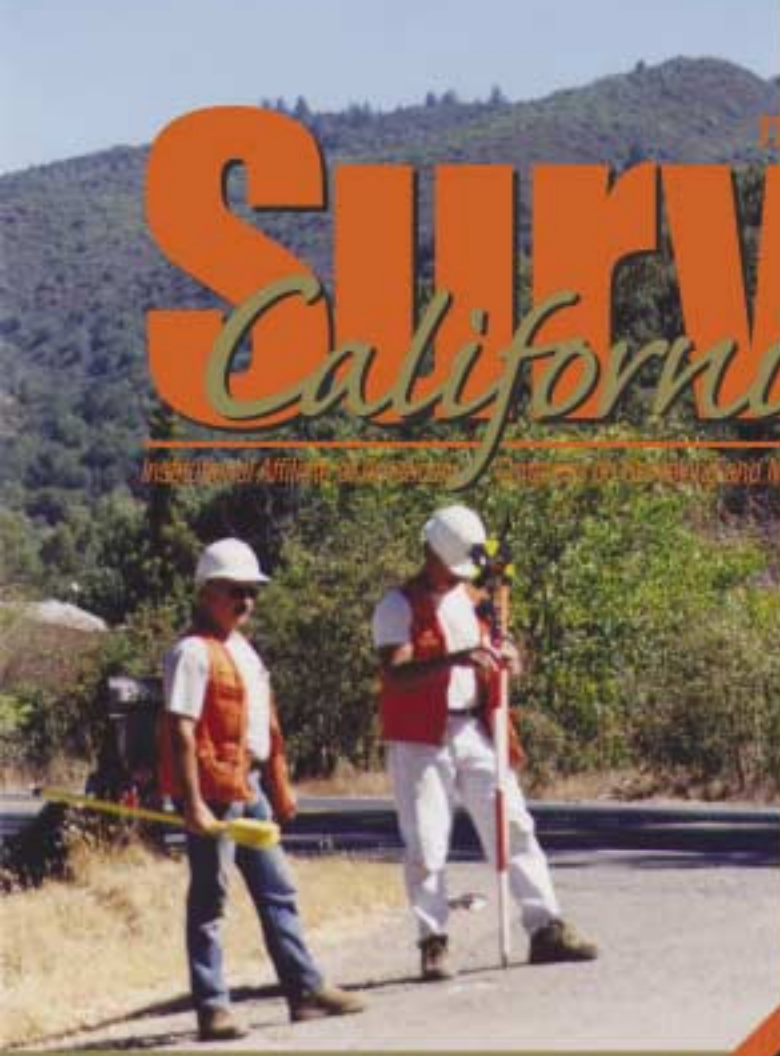
The Voice of the Land Surveyors of California

SURVEYOR

California

Institutional Affiliation: Surveyors of California and Mapping

Issue #136



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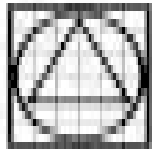
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“Recognizing that the true merit of a profession is determined by the value of its services to society, the California Land Surveyors Association does hereby dedicate itself to the promotion and protection of the profession of land surveying as a social and economic influence vital to the welfare of society, community, and state.”

“The purpose of this organization is to promote the common good and welfare of its members in their activities in the profession of land surveying, to promote and maintain the highest possible standards of professional ethics and practices, to promote professional uniformity, to promote public faith and dependence in the Land Surveyors and their work.”

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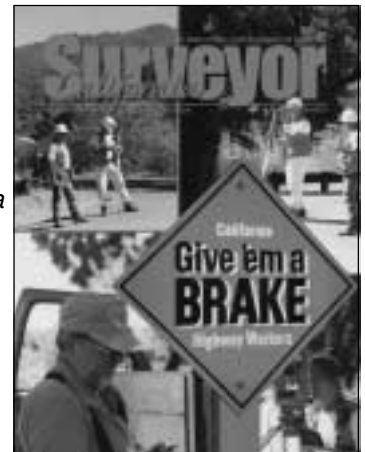
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On The Cover:

CalTrans (District IV) cousins surveying in the Valley of the Moon.

Article and photos by our Editor Phil Danskin, PLS.

Counter-clockwise
from upper left:
Chuck Della Maggiora
& Jeff Robertson;
Don Protheroe;
Hitoshi Kurokwa;
Chuck & Jeff again.



Just be long...



How many of you know Bob? Bob Long? Well neither did I, until Pat Tami sent me the CNN article on the Quecreek mining rescue near Somerset, Pennsylvania. Bob

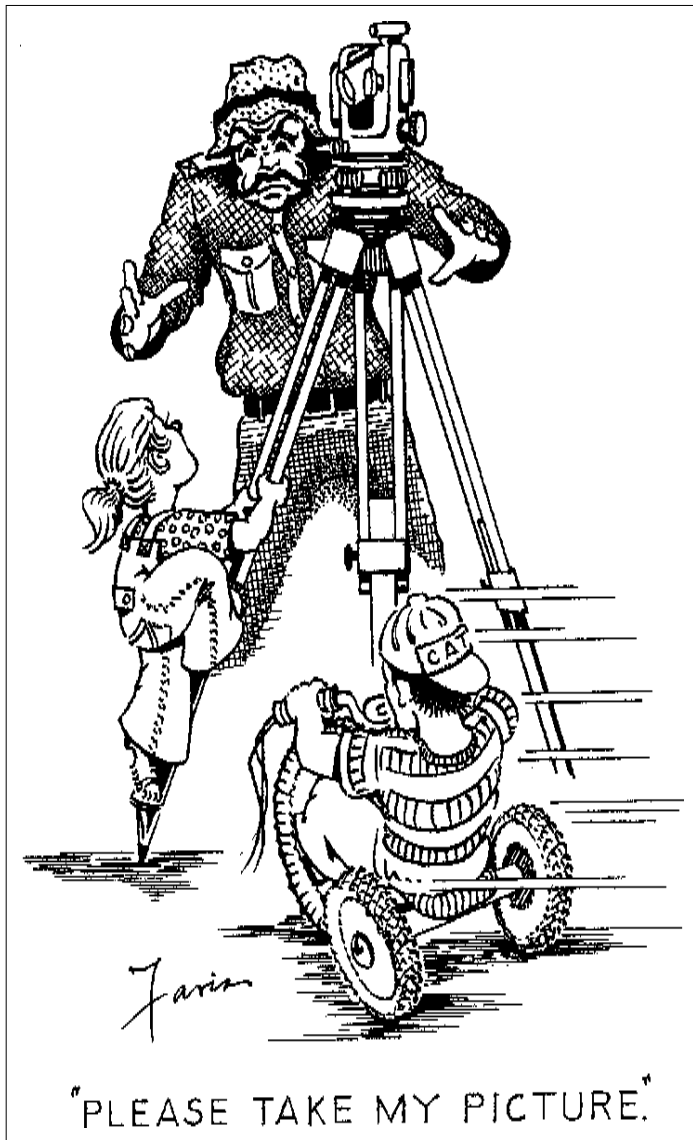
Long is *The Pennsylvania* cousin that, like a clairvoyant, was responsible for the Point of Commencement to the drill-rig, which provided a vent to nine coal miners trapped a hundred meters underground! When the drill punched through *the* tunnel and nine taps on the drill bit could be heard, Bob and this great country were elated! Prayers were answered. Heroes were in the making. Some might have been makin' book on the Most Valuable Player . . . Bob Long - "*surveyor*"! Our fellow countrymen, and the world, were awestruck at the technological miracle before them! Even Bob was surprised! I'm sure surveyors watching the rescue unfold, (complete with the fancy three-dimensional computer models), knew *we*, or the Psychic Hot-Line, had a hand in this miracle. (*Speaking of the Psychic Hot Line . . . Central Office employs their services quarterly . . . "Will the editor of the Cal-Surveyor be late again?"*, Central Office would ask. "*Most Certainly . . . \$ 24.99*", would be their answer.)

As this unfortunate disaster may have created some awareness of our profession, we must continue to educate the public on how our profession benefits society . . .and B. Long - you did a splendid job!

Back on the Soap Box again . . .

My first employer, the late George Colson, used to attend the Marvelous Marin Breakfast Club. It was a breakfast meeting, consisting of local business persons. They'd network (before it was called such), educate others of their profession . . . and grow chins from the bacon and sausage! In 1969 Mr. Colson's networking made for an interesting article in the Sunday insert of the local rag. It was known as *Marin Magazine*, liken today's *Parade* insert. It was entitled "Land Surveyors And What They Do". It featured Colson, Bill Lockett, Gene Lockton (Past President), Carlos Talamantez, Jim Thompson, Joe Grippi, Dave Taylor and our illustrious cartoonist Nino Faria! There were pictures of the latest equipment such as the quick measuring AGA Geodimeter Model 6(?!), the handy Rhodes Arc . . . practical plane table and a granite monument for good luck. And impressive captions . . . "The Men Who Trace The Boundary Lines"; "They've Played a Key Role in Development of County"; "They Work With Transit and Chain"; "It's Land Surveyor Week in California, Old Profession Honored by An Observance".

I'm not much of a "joiner" but I reluctantly must admit . . . WE NEED TO BELONG TO COMMUNITY ASSOCIATIONS TOO! (. . . *not* necessarily the likes of the character Jack Klompus, of *Seinfeld* fame.) Our profession needs more involvement in local community organizations, mentoring programs at the schools, anything that'll share what we do. Like a winning baseball coach wants chatter on the field, let's do as Coach Tami suggested and TALK IT UP regarding our profession. Wouldn't it be nice if each chapter had a competent speaker to send to various community societies, such as realtors, attorneys, public works associations, etc., to educate others of how our profession benefits society?



The Seven Fifty!

“Thanks for driving up here . . . meeting with us for a whole morning . . .and your four page proposal . . . you certainly know your business . . . However, we’ve decided to go ‘cheap’. We have a quote from Flay Kee Engineering and Surveying to do our boundary for about \$ 750 . . . which is about 15% of what you and your cronies are estimating!” The property may be worth over three million . . . is in an 1890s subdivision and there is scarce “survey” evidence (recorded or otherwise) in a block of about a kilometer square! But hey, let’s go cheap! (Kinda sounds like a government contract?)

I am hearing such outrageous quotes over and over again. And their clients are tickled pink -until a neighbor challenges their survey. How much do they think they’d save when fencing is minimally \$30 a foot? Attorney’s fees? Court costs? Oh boy, let’s not forget Record of Survey fees! Maybe Flay Kee is about to retire ‘n split? Maybe it’s a NAFTA job! Maybe it’s wages? Speakin’ of wages...

Lotsa filler? Comin’ Right up . . .

I received an email from a cousin asking about local wages. If one person is asked - how many aren’t? So I rooted around and found wage statistics for December 2001 from the Occupational Employment Statistics survey. (See Table) (Sorry, but Imperial County didn’t list any surveyors, mapping technicians or even civil engineers!) I thought it would be interesting to throw in the wages of our “other” cousin, the civil engineer just to compare. I don’t know about you, but the differential isn’t that great and our job is “way” better!

The following are some U.S. Bureau of Labor definitions of what we do:

17-1022 Surveyors

Make exact measurements and determine property boundaries. Provide data relevant to the shape, contour, gravitation, location, elevation, or dimension of land or land features on or near the earth’s surface for engineering, mapmaking, mining, land evaluation, construction, and other purposes.

17-1021 Cartographers and Photogrammetrists

Collect, analyze, and interpret geographic information provided by geodetic surveys, aerial photographs, and satellite data. Research, study, and prepare maps and other spatial data in digital or graphic form for legal, social, political, educational, and design purposes. May work with Geographic Information Systems (GIS). May design and evaluate algorithms, data structures, and user interfaces for GIS and mapping systems.

17-3031 Surveying and Mapping Technicians

Perform surveying and mapping duties, usually under the direction of a surveyor, cartographer, or photogrammetrist to obtain data used for construction, mapmaking, boundary location, mining, or other purposes. May calculate mapmaking information and create maps from source data, such as surveying notes, aerial photography, satellite data, or other maps to show topographical features, political boundaries, and other features. May verify accuracy and completeness of topographical maps. Exclude “Surveyors” (17-1022), “Cartographers and Photogrammetrists” (17-1021), and “Geoscientists, Except Hydrologists and Geographers” (19-2042). See wage data tables starting on page 8.

Give ‘em a brake!

Some time ago, I was on my way to Central Office for another “late” delivery and happened upon some CalTrans cousins geomatic-ing along in Jack London’s Valley of the Moon! I felt a cover-picture might be in the making. So . . . this cover is dedicated to honor our cousins at CalTrans, who play “chicken” everyday to bring us better highways. Give ‘em a break - no more jokes about what is big, orange and sleeps eight!

...and remember, Smokey the Bear says, “only you can B.Long.” Join CLSA and NSPS today!



December 2001

SOC Code	Occupational Title	County	Entry level	Mean Hourly Wage	Mean Annual Wage	25th % Median Hourly Wage	50th % Median Hourly Wage	75th % Median Hourly Wage
17_1022	Surveyors	Alameda	\$24.41	\$29.05	\$60,440	\$25.84	\$29.54	\$32.83
17_2051	Civil Engineer	Alameda	\$23.65	\$33.16	\$68,972	\$26.10	\$31.85	\$40.60
17_3031	Surveying Mapping Technicians	Alameda	\$16.45	\$24.39	\$50,749	\$19.65	\$25.16	\$28.97
17_1022	Surveyors	Alpine	\$15.90	\$25.53	\$53,098	\$17.27	\$25.93	\$32.32
17_2051	Civil Engineer	Alpine	\$22.36	\$29.04	\$60,415	\$24.52	\$28.72	\$33.39
17_3099	Mapping Technicians	Alpine	\$13.20	\$19.10	\$39,718	\$15.06	\$19.62	\$23.88
17_1022	Surveyors	Amador	\$15.90	\$25.53	\$53,098	\$17.27	\$25.93	\$32.32
17_2051	Civil Engineer	Amador	\$22.36	\$29.04	\$60,415	\$24.52	\$28.72	\$33.39
17_3099	Mapping Technicians	Amador	\$13.20	\$19.10	\$39,718	\$15.06	\$19.62	\$23.88
17_2051	Civil Engineer	Butte	\$20.46	\$24.92	\$51,827	\$22.22	\$24.94	\$27.62
17_3031	Surveying Mapping Technicians	Butte	\$18.28	\$24.79	\$51,560	\$18.10	\$25.91	\$28.83
17_1022	Surveyors	Calaveras	\$15.90	\$25.53	\$53,098	\$17.27	\$25.93	\$32.32
17_2051	Civil Engineer	Calaveras	\$22.36	\$29.04	\$60,415	\$24.52	\$28.72	\$33.39
17_3099	Mapping Technicians	Calaveras	\$13.20	\$19.10	\$39,718	\$15.06	\$19.62	\$23.88
17_1022	Surveyors	Colusa	\$19.50	\$25.08	\$52,147	\$21.10	\$24.59	\$28.03
17_2051	Civil Engineer	Colusa	\$23.40	\$29.36	\$61,069	\$24.70	\$28.59	\$33.68
17_3031	Surveying Mapping Technicians	Colusa	\$12.45	\$16.23	\$33,761	\$14.19	\$16.18	\$18.90
17_1022	Surveyors	Contra Costa	\$24.41	\$29.05	\$60,440	\$25.84	\$29.54	\$32.83
17_2051	Civil Engineer	Contra Costa	\$23.65	\$33.16	\$68,972	\$26.10	\$31.85	\$40.60
17_3031	Surveying Mapping Technicians	Contra Costa	\$16.45	\$24.39	\$50,749	\$19.65	\$25.16	\$28.97
17_1022	Surveyors	Del Norte	\$16.62	\$22.14	\$46,042	\$17.57	\$21.92	\$26.16
17_2051	Civil Engineer	Del Norte	\$22.84	\$28.09	\$58,434	\$24.53	\$28.68	\$32.55
17_3031	Surveying Mapping Technicians	Del Norte	\$19.41	\$22.82	\$47,469	\$20.10	\$22.94	\$25.87
17_1022	Surveyors	El Dorado	\$21.45	\$31.53	\$65,573	\$26.17	\$32.44	\$38.64
17_2051	Civil Engineer	El Dorado	\$24.05	\$31.71	\$65,960	\$26.55	\$31.57	\$37.03
17_3031	Surveying Mapping Technicians	El Dorado	\$17.39	\$22.98	\$47,814	\$19.27	\$23.07	\$26.95
17_1022	Surveyors	Fresno	\$13.89	\$22.33	\$46,460	\$16.23	\$22.62	\$28.01
17_2051	Civil Engineer	Fresno	\$23.10	\$29.42	\$61,197	\$24.52	\$28.61	\$33.99
17_3031	Surveying Mapping Technicians	Fresno	\$14.65	\$22.29	\$46,363	\$16.51	\$23.99	\$27.36
17_1022	Surveyors	Glen	\$19.50	\$25.08	\$52,147	\$21.10	\$24.59	\$28.03
17_2051	Civil Engineer	Glen	\$23.40	\$29.36	\$61,069	\$24.70	\$28.59	\$33.68
17_3031	Surveying Mapping Technicians	Glen	\$12.45	\$16.23	\$33,761	\$14.19	\$16.18	\$18.90
17_1022	Surveyors	Humboldt	\$16.62	\$22.14	\$46,042	\$17.57	\$21.92	\$26.16
17_2051	Civil Engineer	Humboldt	\$22.84	\$28.09	\$58,434	\$24.53	\$28.68	\$32.55
17_3031	Surveying Mapping Technicians	Humboldt	\$19.41	\$22.82	\$47,469	\$20.10	\$22.94	\$25.87
17_1022	Surveyors	Inyo	\$15.90	\$25.53	\$53,098	\$17.27	\$25.93	\$32.32
17_2051	Civil Engineer	Inyo	\$22.36	\$29.04	\$60,415	\$24.52	\$28.72	\$33.39
17_3099	Mapping Technicians	Inyo	\$13.20	\$19.10	\$39,718	\$15.06	\$19.62	\$23.88
17_1022	Surveyors	Kern	\$14.53	\$23.26	\$48,376	\$16.59	\$22.82	\$30.53
17_2051	Civil Engineer	Kern	\$24.00	\$32.04	\$66,641	\$27.65	\$31.86	\$37.00
17_3031	Surveying Mapping Technicians	Kern	\$18.12	\$24.68	\$51,334	\$20.34	\$24.81	\$28.86
17_3099	Mapping Technicians	Kings	\$20.27	\$23.75	\$49,395	\$21.33	\$24.28	\$26.66
17_1022	Surveyors	Lake	\$16.62	\$22.14	\$46,042	\$17.57	\$21.92	\$26.16
17_2051	Civil Engineer	Lake	\$22.84	\$28.09	\$58,434	\$24.53	\$28.68	\$32.55
17_3031	Surveying Mapping Technicians	Lake	\$19.41	\$22.82	\$47,469	\$20.10	\$22.94	\$25.87
17_1022	Surveyors	Lassen	\$19.50	\$25.08	\$52,147	\$21.10	\$24.59	\$28.03
17_2051	Civil Engineer	Lassen	\$23.40	\$29.36	\$61,069	\$24.70	\$28.59	\$33.68
17_3031	Surveying Mapping Technicians	Lassen	\$12.45	\$16.23	\$33,761	\$14.19	\$16.18	\$18.90
17_1022	Surveyors	Los Angeles	\$23.15	\$29.86	\$62,109	\$25.98	\$30.47	\$34.23
17_2051	Civil Engineer	Los Angeles	\$21.84	\$29.24	\$60,809	\$24.26	\$28.56	\$34.03
17_3031	Surveying Mapping Technicians	Los Angeles	\$17.65	\$24.18	\$50,281	\$20.25	\$24.37	\$27.69
17_1022	Surveyors	Madera	\$13.89	\$22.33	\$46,460	\$16.23	\$22.62	\$28.01
17_2051	Civil Engineer	Madera	\$23.10	\$29.42	\$61,197	\$24.52	\$28.61	\$33.99
17_3031	Surveying Mapping Technicians	Madera	\$14.65	\$22.29	\$46,363	\$16.51	\$23.99	\$27.36
17_1022	Surveyors	Marin	\$18.85	\$25.82	\$53,704	\$22.46	\$26.19	\$31.02
17_2051	Civil Engineer	Marin	\$24.01	\$32.89	\$68,396	\$25.96	\$31.47	\$39.74
17_3031	Surveying Mapping Technicians	Marin	\$21.82	\$31.43	\$65,387	\$24.24	\$28.34	\$34.69
17_1022	Surveyors	Mariposa	\$15.90	\$25.53	\$53,098	\$17.27	\$25.93	\$32.32
17_2051	Civil Engineer	Mariposa	\$22.36	\$29.04	\$60,415	\$24.52	\$28.72	\$33.39
17_3099	Mapping Technicians	Mariposa	\$13.20	\$19.10	\$39,718	\$15.06	\$19.62	\$23.88

wage table continued on page 14

President's Message

Membership in the California Land Surveyors Association DOESN'T COST; IT PAYS!

That's right, it pays! How do I figure writing a check for \$159 annual dues pays us back, you ask? Let me explain. We could discuss at length the value of your local chapter meetings, the professional interaction with your colleagues, peers and allied professionals, or perhaps your representation at the state level by your local chapter. You have the ability to direct the course of CLSA through your chapter representative to the State Board of Directors. Let's not forget to mention the representation we enjoy at the state level through our active legislative program, legislative advocate, and our liaison with the State Board for Professional Engineers and Land Surveyors.



Perhaps we should consider the value of CLSA's active membership in the Western Federation of Land Surveyors, which provides representation on issues of regional scope as well as the value of our institutional affiliation with the National Society of Professional Surveyors and the American Congress on Surveying and Mapping? These institutions provide us representation at the national level.

We might easily put a price on the *California Surveyor* magazine and the *CLSA NEWS*, both of which keep us abreast of changing legislation, legal opinions, and other items that affect our profession. What may be the hardest to put a price tag on is the support offered by our fully staffed Central Office, which provides up-to-date referrals concerning legislation, educational opportunities, job opportunities, member referrals to the public,

or answers to questions concerning our membership. The Central Office is quicker than the rumor mill and more accurate to boot.



What price can possibly be placed on the promotion of our professional image to the public as a whole? Products like the 'Right of Entry Door Hangers' were developed by us specifically to meet the needs of California's Land Surveyors. 'Right of Entry Cards', 'Land Surveying Brochures', 'Land Surveying Story, Coloring books', '*Land Surveying for the Land Owner & Real Estate Professional*' are in stock and ready to ship. All promote and elevate the public's understanding of our profession. These valuable services and products benefit all of California's Land Surveyors, public and private, employer and employee.

What value can we place on membership? The answer is as different for each of us because we are unique within our practice and communities. This value I won't even try to estimate. I did say that membership pays, so consider these real life scenarios. You attend the annual conference (member savings \$35), purchase a complete package including PE & PLS Act with Board Rules, Subdivision Map Act *with index* on disk (member savings \$27), attend one CLSA sponsored seminar (member savings \$105) and purchase a pad of standard contract forms (member savings \$6). Well folks, you paid \$159 and got \$173 in discounts. According to my math I have realized a \$14 savings.

My colleague started the year as a non-member and signed up for a seminar which the employer (an unnamed large state department) paid for at full price. The non-member portion of the seminar fee was applied to CLSA membership at the Associate member rate of \$79.50, which gave them membership for NO out of pocket expense. This person then attended another seminar (member savings \$105) and purchased a 2002 Celestial Observation Handbook and Ephemeris (member savings \$2) and is planning to attend another seminar this year (member savings \$105). This sharp new member has realized \$105 in savings to date with a potential \$212 by the end of the year. With a mind like that, I expect their name to appear on the PLS roster in very short order. In this case I will donate my \$14 savings to purchase an appropriate celebratory beverage when the good news arrives.

It's no wonder at all why membership has risen from 1538 on 30 June 2001 to over 1855 and counting as this is being written, a 22% increase in just one year. Yes, membership in CLSA really **does** pay! Not just in dollars, but in good sense too! Join CLSA, today!

Dedications and Offers to Dedicate

The Subdivision Map Act (SMA) requires local agencies to regulate and control design of subdivisions (SMA 66411). This responsibility involves the preparation and recordation of final maps (sometimes referred to as a tract or subdivision map) and parcel maps. The maps provide a structure for constructive notice (SMA 66468) for the transfer of property or rights to public entities. The title sheet of the final map will be the focus of reference for this discussion, with the nature and use of dedications and offers to dedicate in particular. The parcel map, for the most part, is relevant to this discussion, however, it can be less restrictive in nature (SMA 66445e). This paper may be considered summary in nature as to the local application of the Subdivision Map Act rather than an exposition of legal arguments or judgments. The review of maps for legislative bodies throughout California provides one constant: local ordinances and histories are unique.

The title sheet of the final map includes the owner's statement which is signed and acknowledged by those parties having any record title interest. The statement includes the dedications of or offers to dedicate interests in real property for specified public purposes (SMA 66439). Also, there is a certificate or statement for the clerk of each approving legislative body which states in

part that the body approved the map and accepted, accepted subject to improvement, or rejected on behalf of the public any real property offered for dedication for public use in conformity with the terms of the offer of dedication. (SMA 66440).

The nature of the dedication:

It has generally been held that no title passes with a dedication but only use of the area dedicated (Clark of Surveying and Boundaries, Fifth Edition, 27.14). As stated previously, the Subdivision Map Act indicates that the dedication has to be 'accepted' for the dedication to be complete. Until acceptance, a dedication may be considered as a continuing offer which may be withdrawn or revoked at any time (Clark 27.06). Finally, a dedication, once made and accepted, is irrevocable (Clark 27.13). Generally, dedications are 'dedicated' as shown, as delineated, or as designated. Dedications are 'accepted' as dedicated or as shown. Some acceptances reflect the specific wording of SMA 66440. The nature and conditions of the dedication can be influenced by the terms of the acceptance. The clearest example of such an acceptance to a straightforward dedication for public road and public utility purposes is as follows: "The board declares that the acceptance of the offer(s) is to vest title in the County on behalf of the public for said purposes but that said road(s) shall not become part of the County Maintained Road System until accepted by resolution of this Board adopted pursuant to Section 941 of the Streets and Highways Code."

The offer of dedication:

Black's Law Dictionary (revised fourth edition) states that offer is a proposal. The offer remains open until accepted. In general practice the dedication is accepted on the final map but whenever the response of the governing agency extends beyond acceptance on the map, an offer of dedication is used. Typically offers of dedications are either 'accepted subject to improvements' or are 'rejected.' Local agencies do show some variations. Some final maps show an offer of dedication and accept the offer of dedication specifically worded per SMA 66440 which provides a symmetry similar to an accepted dedication. Another agency states that it 'does not accept or reject' the dedications on their final maps (which might better be noted as an offer of dedication).

Once the offer is made it is irrevocable. When the offer of dedication is accepted, it is the offer that is accepted not the dedication. The acceptance of the offer creates the dedication. Since the offer of dedication is not normally accepted before recordation, the Subdivision Map Act provides means by which rejected offers as well as accepted dedications of record can be abandoned or terminated (SMA 66477.2, 66434g, 66445j, and 66499 1/2.) Offers of dedication open beyond the date of recordation shall not be effective until a resolution of acceptance by the legislative body is filed in the office of the county recorder.

Continued on next page

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The irrevocable offer of dedication:

Since the offer of dedication is irrevocable, then is it in fact an irrevocable offer of dedication? The term irrevocable offer of dedication is used when offers of dedication are recorded by separate instruments as well as on final maps. One reason a legislative body would request an irrevocable offer of dedication by separate instrument is that it does not have the requirement for an immediate response as that of a final map on the way to recordation. It can be used instead of a rejected offer of dedication on the map and then be accepted at a later date.


The irrevocable offer of dedication is used on the final map to emphasize and to make certain whatever lack of clarity might reside within the offer of dedication. Cursory reading of SMA 66440 and 66477.3 could be interpreted that offers of dedication are accepted on the final map. If that is the local interpretation or there is an uncertainty regarding the offer of dedication then the addition of the word irrevocable would seem most appropriate. When the term irrevocable offers of dedication is used for all of the dedications and are accepted, accepted subject to improvement, or rejected, it would seem that the local agency simply does not accept the revocable nature of a dedication before the local agency might accept the final map.

The grant:

The term grant is not used very often on the final map. 'In fee simple dedications' are sometimes expressed as a 'grant in fee simple' when ownership of land is transferred (SMA 66477.5). Easements can be dedicated and granted on the same final map. In one locale easements are granted rather than dedicated when the local agency wishes to accept an easement without public entitlement.

In summary, recorded maps, recorded documents and other factors can influence the dedication process well beyond the scope of the above discussion. Yet a thorough understanding of the Subdivision Map Act solves a lot of problems. Reviewing county and city map preparation manuals and visiting with the respective staff who review maps provides the historical reasoning and current procedures for proper local treatment of dedications and offers to dedicate. The Subdivision Map Act provides the requirements and treatment of dedications and offers to dedicate on final and parcel maps; the local agency further defines how to express the dedications and offers to dedicate within its own local history and other unique considerations.

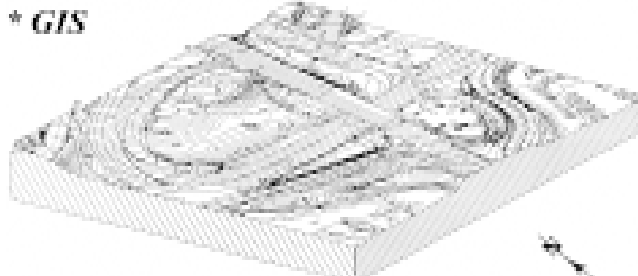
Joseph E. Kooyers, P.L.S., Senior Survey Analyst, and Michael L. Foreman, P.L.S., Vice-President, manage survey, right-of-way engineering, and map review services within California for Berryman & Henigar, Inc., a municipal professional services firm headquartered in San Diego, CA. With 13 offices and over 350 professionals nationwide, the firm provides municipal engineering, public finance, asset management, community development, construction management and e-Government services to public agencies nationwide. Berryman & Henigar, Inc. is ranked as one of the top 250 consulting engineering companies by Engineering News-Record. ❖



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Land Use

Property owner's challenge to predecessor's offer to dedicate easement is subject to limitations period triggered when easement is offered, not when it is exercised.

Daniel v County of Santa Barbara (9th Cir, Apr. 18, 2002) 2002 Daily Journal DAR 4304, 2002 Recorder CDOS 3395

In 1974, the owner (Johnson) of beach front property was compelled to make a 25-year "firm and continuing" offer to dedicate a five-foot easement across the property for a pedestrian and bicycle right of way in exchange for the county's permission to subdivide the property. Johnson administratively appealed the imposition of this requirement, but did not file suit when he lost the appeal. In 1987, subsequent owners (Bucklews) made a 25-year irrevocable offer to dedicate the easement. After the Daniels purchased the property in 1997, the county accepted the Bucklews' offer to dedicate. The Daniels sued the county in federal court for injunctive and declaratory relief under 42 USC 1963, alleging violations of the Takings Clause of the federal constitution and state law. The district court granted the county's motion to dismiss the complaint.

The Ninth Circuit affirmed, holding that (1) the Daniels' claim was time-barred, and (2) injunctive and declaratory relief were not available remedies for their takings claim. The court found that, even if Johnson and the Bucklews may have had valid claims for regulatory or physical takings, those claims were now time-barred and the Daniels could not revive them.

First, under takings law, a regulatory taking is not ripe until there is a "final decision regarding the application of the regulations to the property at issue," 2002 Daily Journal DAR at 4305. Second, the plaintiff must have sought compensation for the alleged taking through available state procedures. Here, Johnson's administrative appeal of the exaction of an offer to dedicate an easement was a final decision regarding the application of the regulations. The property owners, however, did not satisfy the second requirement of seeking compensation for the taking. In failing to seek compensation, the takings claim can never ripen for the purpose of asserting a federal claim; furthermore, this failure "cannot now be cured because the applicable state limitations periods have long since expired." 2002 Daily Journal DAR at 4305.

If the alleged taking is characterized as a physical taking, there is no requirement for a final decision regarding the property, but the owner must still have sought compensation for the alleged taking. The Daniels' predecessors did not seek compensation and the Daniels cannot acquire greater rights than their predecessors. The Daniels also argued that it was the acceptance of the dedication that constituted the taking. A taking occurs, however, when an option to take an easement is granted, not when it is exercised. The Daniels had notice of the potential dedications, took title

By: Roger Bernhardt

subject to the option, and presumably paid a price reflective of that option. Distinguishing *Palazzolo v Rhode Island* (2001) 533 US 606, 150 L Ed 2d 542, 121 S Ct 2448, reported at 24 CEB RPLR 207 (July 2001), which held that an owner could challenge preexisting regulations, here the offers to dedicate were construed as physical takings and, as such, should have been challenged when they occurred.

The Daniels further argued that they didn't need to seek just compensation through state remedies because they were not seeking damages; they sought declaratory and injunctive relief. Generally, however, an owner cannot prevent a governmental body from regulating or seizing property; the sole issue is "just compensation." There is an exception if the taking does not "substantially advance" a "legitimate state interest." This exception is not available in this case because there is no doubt that a governmental body can compel an owner to convey a public access easement.

THE EDITOR'S TAKE:

In commenting on *Palazzolo v Rhode Island* (2001) 533 US 606, 150 L Ed 2d 542, 121 S Ct 2448, last year (see 24 CEB RPLR 207 (July 2001)), I remarked that the court's discussion of "ripeness" didn't seem particularly noteworthy. The Ninth Circuit's opinion in *Daniel* shows that I was wrong about that. Making it easier for an owner to claim that her claim is ripe also means that the clock will start running as to the period of time during which she can assert that claim. Thus (to continue the situation I was envisioning when I last wrote), the farmer, whose property is made subject to an adverse regulation that does not have any serious financial impact on her farming use, can still elect to sell to a developer whose own claim will be sufficiently large to warrant bringing a taking action (and who – courtesy of *Palazzolo* – need no longer fear a "notice" defense); but the farmer better sell quickly enough to make sure that neither party is vulnerable to a statute of limitations defense. For all they know, enactment of the regulation itself may have started the time running.

As far as the notice defense goes in this case, the Ninth Circuit comes to a result contrary to *Palazzolo*, but I do not think that its reasoning was inconsistent. If a regulation affects the farmer, the developer to whom she later sells should not be barred from complaining of it. But if she herself settles her complaint with the county (say, for money), then the developer who later purchases from her should be out of luck. In either case, the developer should stand in her shoes: She should be able to sue in the first scenario and so should he; whereas she should no longer be able to sue in the second scenario, and neither should he. It doesn't matter so much that it was a regulatory taking in *Palazzolo* and a physical taking here; what counts is that the original owner resolved her dispute with the government before the new owner came along.

CROSS-REFERENCE: For a discussion of irrevocable offers to dedicate, see California Subdivision Map Act Practice 10.22 (2d ed Cal CEB 2001); on dedications as a taking, see Condemnation Practice in California 15.4 (2d ed Cal CEB 1995).

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SOC Code	Occupational Title	County	Entry level	Mean Hourly Wage	Mean Annual Wage	25th % Median Hourly Wage	50th % Median Hourly Wage	75th % Median Hourly Wage
17_3031	Surveying Mapping Technicians	Merced	\$14.36	\$22.85	\$47,522	\$18.36	\$24.68	\$27.78
17_1022	Surveyors	Modoc	\$19.50	\$25.08	\$52,147	\$21.10	\$24.59	\$28.03
17_2051	Civil Engineer	Modoc	\$23.40	\$29.36	\$61,069	\$24.70	\$28.59	\$33.68
17_3031	Surveying Mapping Technicians	Modoc	\$12.45	\$16.23	\$33,761	\$14.19	\$16.18	\$18.90
17_1022	Surveyors	Mono	\$15.90	\$25.53	\$53,098	\$17.27	\$25.93	\$32.32
17_2051	Civil Engineer	Mono	\$22.36	\$29.04	\$60,415	\$24.52	\$28.72	\$33.39
17_3099	Mapping Technicians	Mono	\$13.20	\$19.10	\$39,718	\$15.06	\$19.62	\$23.88
17_2051	Civil Engineer	Monterey	\$25.86	\$30.57	\$63,588	\$28.43	\$31.23	\$34.00
17_3099	Mapping Technicians	Monterey	\$14.02	\$20.91	\$43,490	\$16.14	\$20.97	\$25.27
17_1022	Surveyors	Napa	\$23.35	\$28.29	\$58,849	\$24.68	\$28.91	\$32.54
17_2051	Civil Engineer	Napa	\$24.94	\$35.89	\$74,644	\$28.22	\$33.75	\$41.25
17_3031	Surveying Mapping Technicians	Napa	\$17.31	\$21.81	\$45,362	\$18.73	\$22.49	\$25.54
17_1022	Surveyors	Nevada	\$19.50	\$25.08	\$52,147	\$21.10	\$24.59	\$28.03
17_2051	Civil Engineer	Nevada	\$23.40	\$29.36	\$61,069	\$24.70	\$28.59	\$33.68
17_3031	Surveying Mapping Technicians	Nevada	\$12.45	\$16.23	\$33,761	\$14.19	\$16.18	\$18.90
17_1022	Surveyors	Orange	\$19.03	\$27.97	\$58,187	\$21.42	\$29.41	\$33.63
17_2051	Civil Engineer	Orange	\$21.82	\$31.56	\$65,635	\$24.65	\$30.73	\$37.25
17_3031	Surveying Mapping Technicians	Orange	\$12.20	\$20.00	\$41,613	\$12.75	\$19.27	\$26.20
17_1022	Surveyors	Placer	\$21.45	\$31.53	\$65,573	\$26.17	\$32.44	\$38.64
17_2051	Civil Engineer	Placer	\$24.05	\$31.71	\$65,960	\$26.55	\$31.57	\$37.03
17_3031	Surveying Mapping Technicians	Placer	\$17.39	\$22.98	\$47,814	\$19.27	\$23.07	\$26.95
17_1022	Surveyors	Plumas	\$19.50	\$25.08	\$52,147	\$21.10	\$24.59	\$28.03
17_2051	Civil Engineer	Plumas	\$23.40	\$29.36	\$61,069	\$24.70	\$28.59	\$33.68
17_3031	Surveying Mapping Technicians	Plumas	\$12.45	\$16.23	\$33,761	\$14.19	\$16.18	\$18.90
17_1022	Surveyors	Riverside	\$16.97	\$25.52	\$53,068	\$20.74	\$26.55	\$31.79
17_2051	Civil Engineer	Riverside	\$23.58	\$30.37	\$63,184	\$25.69	\$30.25	\$34.86
17_3031	Surveying Mapping Technicians	Riverside	\$14.59	\$23.07	\$47,987	\$17.20	\$23.77	\$28.34
17_1022	Surveyors	Sacramento	\$21.45	\$31.53	\$65,573	\$26.17	\$32.44	\$38.64
17_2051	Civil Engineer	Sacramento	\$24.05	\$31.71	\$65,960	\$26.55	\$31.57	\$37.03
17_3031	Surveying Mapping Technicians	Sacramento	\$17.39	\$22.98	\$47,814	\$19.27	\$23.07	\$26.95
17_3099	Mapping Technicians	San Benito	\$20.27	\$23.75	\$49,395	\$21.33	\$24.28	\$26.66
17_1022	Surveyors	San Bernadino	\$16.97	\$25.52	\$53,068	\$20.74	\$26.55	\$31.79
17_2051	Civil Engineer	San Bernadino	\$23.58	\$30.37	\$63,184	\$25.69	\$30.25	\$34.86
17_3031	Surveying Mapping Technicians	San Bernadino	\$14.59	\$23.07	\$47,987	\$17.20	\$23.77	\$28.34
17_1022	Surveyors	San Diego	\$17.07	\$25.66	\$53,380	\$18.19	\$26.91	\$32.10
17_2051	Civil Engineer	San Diego	\$23.04	\$29.81	\$61,997	\$24.90	\$29.63	\$34.33
17_3031	Surveying Mapping Technicians	San Diego	\$7.82	\$16.49	\$34,298	\$9.08	\$17.65	\$21.59
17_1022	Surveyors	San Francisco	\$18.85	\$25.82	\$53,704	\$22.46	\$26.19	\$31.02
17_2051	Civil Engineer	San Francisco	\$24.01	\$32.89	\$68,396	\$25.96	\$31.47	\$39.74
17_3031	Surveying Mapping Technicians	San Francisco	\$21.82	\$31.43	\$65,387	\$24.24	\$28.34	\$34.69
17_1022	Surveyors	San Joaquin	\$17.57	\$26.56	\$55,238	\$21.41	\$27.42	\$33.07
17_2051	Civil Engineer	San Joaquin	\$22.14	\$30.00	\$62,394	\$24.81	\$30.55	\$35.15
17_3099	Mapping Technicians	San Joaquin	\$13.62	\$18.55	\$38,595	\$14.90	\$18.21	\$22.12
17_1022	Surveyor	San Luis Obis.	\$19.54	\$26.02	\$54,127	\$20.98	\$26.52	\$31.55
17_2051	Civil Engineer	San Luis Obis.	\$21.57	\$28.17	\$58,585	\$23.68	\$28.28	\$33.24
17_3031	Surveying Mapping Technicians	San Luis Obis.	\$12.78	\$18.58	\$38,643	\$13.88	\$16.87	\$24.42
17_1022	Surveyors	San Mateo	\$18.85	\$25.82	\$53,704	\$22.46	\$26.19	\$31.02
17_2051	Civil Engineer	San Mateo	\$24.01	\$32.89	\$68,396	\$25.96	\$31.47	\$39.74
17_3031	Surveying Mapping Technicians	San Mateo	\$21.82	\$31.43	\$65,387	\$24.24	\$28.34	\$34.69
17_1022	Surveyors	Santa Barbara	\$23.63	\$32.38	\$67,359	\$25.60	\$31.18	\$39.71
17_2051	Civil Engineer	Santa Barbara	\$23.27	\$34.58	\$71,919	\$26.40	\$35.89	\$42.85
17_3031	Surveying Mapping Technicians	Santa Barbara	\$12.26	\$19.42	\$40,377	\$15.70	\$20.27	\$24.88
17_1022	Surveyors	Santa Clara	\$24.88	\$29.52	\$61,399	\$28.14	\$30.76	\$33.38
17_2051	Civil Engineer	Santa Clara	\$22.81	\$31.45	\$65,424	\$24.87	\$29.34	\$36.21
17_3031	Surveying Mapping Technicians	Santa Clara	\$18.51	\$23.50	\$48,884	\$19.63	\$22.61	\$28.02
17_2051	Civil Engineer	Santa Cruz	\$24.13	\$33.00	\$68,638	\$26.29	\$31.29	\$35.52
17_3099	Mapping Technicians	Santa Cruz	\$15.23	\$21.91	\$45,580	\$16.57	\$20.81	\$26.76
17_1022	Surveyors	Shasta	\$25.59	\$29.86	\$62,107	\$27.28	\$30.49	\$33.34
17_2051	Civil Engineer	Shasta	\$22.19	\$29.92	\$62,242	\$24.70	\$30.30	\$34.56
17_3031	Surveying Mapping Technicians	Shasta	\$8.71	\$12.38	\$25,750	\$9.21	\$10.49	\$15.36
17_1022	Surveyors	Sierra	\$19.50	\$25.08	\$52,147	\$21.10	\$24.59	\$28.03
17_2051	Civil Engineer	Sierra	\$23.40	\$29.36	\$61,069	\$24.70	\$28.59	\$33.68
17_3031	Surveying Mapping Technicians	Sierra	\$12.45	\$16.23	\$33,761	\$14.19	\$16.18	\$18.90
17_1022	Surveyors	Siskiyou	\$19.50	\$25.08	\$52,147	\$21.10	\$24.59	\$28.03
17_2051	Civil Engineer	Siskiyou	\$23.40	\$29.36	\$61,069	\$24.70	\$28.59	\$33.68

SOC Code	Occupational Title	County	Entry level	Mean Hourly Wage	Mean Annual Wage	25th % Median Hourly Wage	50th % Median Hourly Wage	75th % Median Hourly Wage
17_3031	Surveying Mapping Technicians	Siskiyou	\$12.45	\$16.23	\$33,761	\$14.19	\$16.18	\$18.90
17_1022	Surveyors	Solano	\$23.35	\$28.29	\$58,849	\$24.68	\$28.91	\$32.54
17_2051	Civil Engineer	Solano	\$24.94	\$35.89	\$74,644	\$28.22	\$33.75	\$41.25
17_3031	Surveying Mapping Technicians	Solano	\$17.31	\$21.81	\$45,362	\$18.73	\$22.49	\$25.54
17_1022	Surveyors	Sonoma	\$18.10	\$26.89	\$55,920	\$19.37	\$23.42	\$30.98
17_2051	Civil Engineer	Sonoma	\$23.77	\$31.43	\$65,392	\$25.64	\$31.04	\$37.05
17_1022	Surveyors	Stanislaus	\$14.86	\$22.94	\$47,726	\$17.79	\$21.96	\$26.90
17_2051	Civil Engineer	Stanislaus	\$19.46	\$28.81	\$59,913	\$22.00	\$27.03	\$34.30
17_3031	Surveying Mapping Technicians	Stanislaus	\$15.04	\$31.11	\$64,724	\$17.94	\$25.91	\$49.32
17_2051	Civil Engineer	Sutter	\$24.29	\$29.97	\$62,343	\$26.83	\$30.68	\$33.93
17_3031	Surveying Mapping Technicians	Sutter	\$17.94	\$20.39	\$42,409	\$18.88	\$20.53	\$22.21
17_1022	Surveyors	Tehama	\$19.50	\$25.08	\$52,147	\$21.10	\$24.59	\$28.03
17_2051	Civil Engineer	Tehama	\$23.40	\$29.36	\$61,069	\$24.70	\$28.59	\$33.68
17_3031	Surveying Mapping Technicians	Tehama	\$12.45	\$16.23	\$33,761	\$14.19	\$16.18	\$18.90
17_1022	Surveyors	Trinity	\$19.50	\$25.08	\$52,147	\$21.10	\$24.59	\$28.03
17_2051	Civil Engineer	Trinity	\$23.40	\$29.36	\$61,069	\$24.70	\$28.59	\$33.68
17_3031	Surveying Mapping Technicians	Trinity	\$12.45	\$16.23	\$33,761	\$14.19	\$16.18	\$18.90
17_1022	Surveyors	Tulare	\$30.07	\$31.53	\$65,579	\$30.03	\$32.17	\$34.29
17_2051	Civil Engineer	Tulare	\$20.56	\$26.53	\$55,183	\$22.25	\$25.90	\$29.68
17_3099	Mapping Technicians	Tulare	\$12.30	\$20.07	\$41,744	\$14.48	\$19.78	\$24.56
17_1022	Surveyors	Tuolumne	\$15.90	\$25.53	\$53,098	\$17.27	\$25.93	\$32.32
17_2051	Civil Engineer	Tuolumne	\$22.36	\$29.04	\$60,415	\$24.52	\$28.72	\$33.39
17_3099	Mapping Technicians	Tuolumne	\$13.20	\$19.10	\$39,718	\$15.06	\$19.62	\$23.88
17_1022	Surveyors	Ventura	\$19.41	\$26.15	\$54,392	\$21.08	\$26.78	\$31.83
17_2051	Civil Engineer	Ventura	\$23.03	\$34.59	\$71,940	\$24.62	\$30.00	\$41.08
17_3031	Surveying Mapping Technicians	Ventura	\$15.17	\$22.07	\$45,904	\$16.31	\$20.63	\$26.94
17_2051	Civil Engineer	Yolo	\$21.93	\$32.70	\$68,013	\$24.37	\$31.17	\$40.41
17_3031	Surveying Mapping Technicians	Yolo	\$14.58	\$19.90	\$41,399	\$15.38	\$17.95	\$25.55
17_2051	Civil Engineer	Yuba	\$24.29	\$29.97	\$62,343	\$26.83	\$30.68	\$33.93
17_3031	Surveying Mapping Technicians	Yuba	\$17.94	\$20.39	\$42,409	\$18.88	\$20.53	\$22.21 ❖

The Streets of Sacramento or a Vacation on John Sutter's Land

Most of us know the story of John Sutter's land grant from the Mexican government and John Marshall's discovery of gold along the American River at Coloma. The discovery, of course, ended Mr. Sutter's dreams of an agricultural community at the confluence of the Sacramento and American Rivers. He had planned everything well. A fort on high ground away from the seasonal flooding that inundated the low lying areas, surrounded by fertile agricultural land to provide sustenance to the inhabitants in the form of meat and produce. The fort itself had blacksmithing, carpentry and tanning shops to provide the other necessities of everyday life. But in poor John Sutter's case, bad news did travel like wildfire and with the discovery of gold, his empire was overrun by wild-eyed men, all searching for a pocketful of rocks. A lucky few going home with that pocketful of rocks, a lucky many going home with just empty pockets, and an unlucky many finding a permanent residence under six feet of California cobbles.

It is unlikely that John Marshall was the first man to discover gold along the American River. The area had long been inhabited by the Maidu and other Native American tribes, who enjoyed the bountiful harvest of fish, game, fruit and vegetables that were found along the American and Sacramento Rivers. Probably more than one had kicked a few gold nuggets out of the way as they waded into the stream to catch a fat trout or salmon. Dinner and a full belly being a much more important consideration than a heavy yellow rock that was too small and soft to even make a good grinding stone. But what is one man's trash is another man's treasure and I am sure the Native Americans looked upon the miners with amazement that they would expend so much time and energy on something that wasn't good to eat and you couldn't even make a decent spear point.

The miners returning home after the gold rush had a legacy though. They had seen the elephant. Perhaps they had even reached out and grabbed it by its trunk. But if the elephant had stepped on their dreams, they were left with tales to regale their family and friends of their community with. Tales of a land far away where it never snowed in the winter, the water was sweet and pure, and there was money to be made.

Those that stayed behind in California left another legacy, a legacy of a rough and tumble new state bursting at the seams where everyone had a place to go and they were in a hurry to get there, never paying much mind to whose claim they were jumping or whose land they were squatting on. To John Sutter's misfortune, the trouble with paradise is everyone wants to go there and his empire began to crumble under the weight of so many people all trying to make a dollar and not much caring how they did it. John Marshall's discovery of gold made California statehood possible, but ruined Mr. Sutter's dreams of an agricultural community in a

land with good water, a temperate climate and fertile land. The thriving city of Sacramento was growing up on land that John Sutter had a bona fide right to, but no way to enforce that right. In the end, he was left with little option but to turn it over to the squatters, and in a deed dated January 2, 1849, John Sutter did "convey and quitclaim unto the present and future owners of town lots and town property in Sacramento City... all the streets and alleys in said city... Said streets and alleys hereby conveyed, to be kept for public use under such conditions and regulations as the future authorities of said city may determine...." A pretty concise statement one would think, but apparently not to the heirs of John Sutter, a certain Ms. Gramer and a Mr. Lauszus as we shall see.



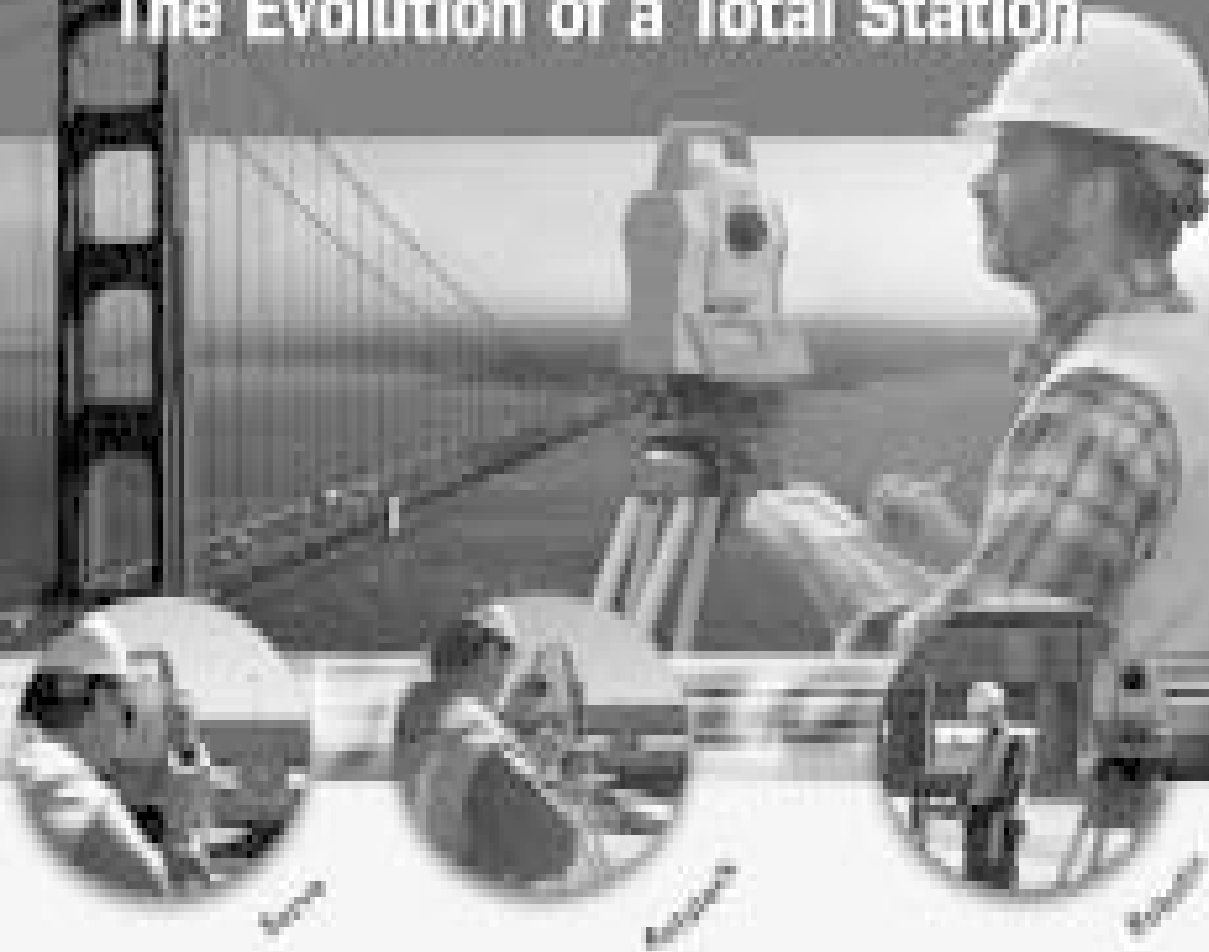
John A. Sutter

In 1935 Ms. Gramer brought suit against the City of Sacramento, claiming that the rights to the abandoned portion of 17th Street between 'B' and 'C' Streets should revert back to her as John Sutter's heir. What Ms. Gramer's intentions for the abandoned street were, we can only guess that perhaps she would sell it to the adjacent property owners, at a small profit. Probably less than just due for the wrongs done to her ancestor. The suit also included the alleys in a block bounded by 17th, 16th, 'B' and 'C' Streets. This is not a complicated legal matter. The issue of fairness to a man wronged, not being addressed in the matter. There is a tremendous amount of legal precedence throughout the country that property bounding a street includes ownership to the centerline of the street unless that ownership is specifically excluded in a written document with the local governing body having the right to use the property as it sees fit as

¹"Pocketful of Rocks" a term used by would be miners to describe their hope for a good strike.

²"Seen the Elephant" a common term of the 1800's for an adventure. A Civil War soldier after his first battle could say he had seen the elephant.

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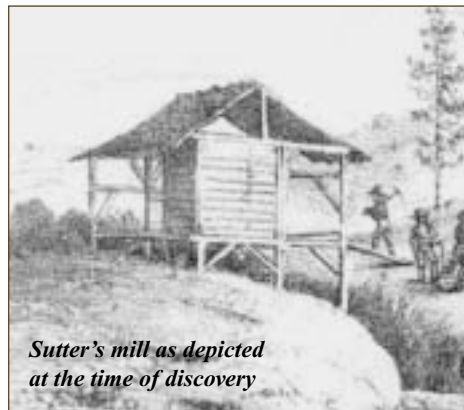
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long as it is a dedicated street. When the right of way is abandoned by a written document, the said property reverts back to the adjacent



Sutter's mill as depicted at the time of discovery

property owner and the owner can plant a rose garden where the street once was, or even park a couple of jalopies there as long as the neighbors don't complain. The language in Mr. Sutter's conveyance is so specific that one must assume there was a lawyer with too much time on his hands. The

case also considered the practicality of the situation. In the 85 years previous, all vacations of streets had reverted back to the property owner and had been used for residential and business uses with practicality being a function of the law in 1935, if not always in 2001. All parties in those 85 previous years had proceeded with the assumption that the land reverted to the adjacent owner. Did it make

sense to change a well-entrenched precedent to satisfy one unhappy descendant of Mr. John Sutter and possibly create a chaos of lawsuits and boundary disputes? This probably would have meant good times for lawyers and land surveyors in 1935, but would not have been in the best interest of the population of Sacramento City.

However, this does bring up a question about how boundary lines on record maps are shown. A typical subdivision map, parcel map or record of survey in my area of practice will show a heavy line along the right of way of a street without an extension of the side lot lines to the centerline of the road. It is understood, by nearly every surveyor practicing that the property extends to the centerline of the road, but I would bet that many laymen do not understand this fact of law. However, referring back to the previous paragraph, a precedent has been established by the local surveyors for over 150 years. The lot lines in a subdivision only depict the usable area of the property and not the street right of way, of which the property owner has a fee interest, but not a usable interest, at least not until the right of way is vacated. Once again, how much chaos would we cause if we changed our procedures to satisfy the letter of the law and disregarded the practicality of a 150-year-old precedent. It can usually be explained to the layman that, yes, you do own to the centerline of the road, but no you can't do anything with it. It could be possible, if an announcement was made in the paper that all landowners owned to the centerline of the road, there would be a run on the hardware store for metal gates with each landowner setting up his own 100 foot section of toll road. All joking aside, change is good sometimes, but not if it is at the expense of practical application.

Not to be deterred by Ms. Gramer's lack of success, Mr. Lauszus (also a descendant of Mr. Sutter) found a lawyer with too much time on his hands in 1945 and once again challenged the precedent that a vacated street right of way reverts to the adjoining owners. The court dispensed with Mr. Lauszus fairly quickly, stating that John Sutter did in fact convey the title in fee to the adjoining owners on the city streets of Sacramento, and from then until eternity, the streets of Sacramento do indeed belong to the adjoining owners.

John Sutter and John Marshall both died penniless. It was certainly not fair that Mr. Sutter lost the empire he risked everything to create, but in these two court cases this was not the issue. It was a simple matter of established precedent. Although Mr. Sutter's descendants may have deserved compensation for the land he lost, this was not the forum to address the issues, and the two courts made very logical and reasonable decisions. Whether we, as surveyors, choose some day to indicate fee ownership to the centerline of public roads on our maps, would be an argument that would bring forth considerable debate. In the case of historic Sacramento, there was no vacation on

John Sutter's land, just a vacation on the adjoining property owner's land, and if that land was obtained by hook or by crook was not a matter for the courts to decide in these cases. ❖



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Metes Here, Bounds There

In my years of surveying, I have had the opportunity to examine and comment on some imaginatively created legal descriptions. Something all land surveyors have experience at in their career, right? I would like to share my latest head shaking experience in this article.

I do survey consulting work for a large irrigation and electric power producing and distribution district, and in my capacity work very closely with the District's real estate and right of way section regarding surveys and right of way matters. The District is proposing a new electrical power transmission line crossing three sections of public lands. This, of course, requires right of way, application to the BLM containing the ever present local, state and federal reviews, comments and approvals, along with a proper legal description of the proposed right of way.

My firm was ready to prepare the required right of way description for the project since we had provided the horizontal and vertical control on the section corner monuments and aerial topography control panels. However, the Power Department's engineers decided they did not need help with such a trivial matter as writing a right of way description for their power transmission line. It doesn't seem to matter whether one is a civil, electrical or mechanical engineer, they can do a better description whether the

laws permits it or not. Their standard attitude seems to be they don't need surveyors period! As we all know, that is another story.

Back to this story. The District's Real Estate Section supervisor phoned me with a voice of frustration and deprecating terminology pleading to be awoken from a bad dream. He then forwarded the following quoted description, prepared by the Power Department's finest.

I quote: "Starting from pole number T50279D/L2307D in the L-line near the S quarter corner of Section 17, 6,200 feet tm the NW corner of Section 16, then 5,800 feet tm the W quarter corner of Section 9, then 1,000 feet to a point 2,450 feet South and 1,000 feet East of the NE corner of Section 9, T.13 S., R.12 E., SBM. The right of way width required for this 13,000 foot reach is 300 feet. The propose at transmission line will be located in the center of this proposed right of way width."

Did I forget to tell you this description was picked and clicked from an electronic USGS Quad map? Needless to say, the description contained in the application document was not that quoted above. It took a three page description to fully describe the right of way which is currently being submitted to the public agencies for processing. ❖



Book Review

Nothing Like It In The World

The Men Who Built The Transcontinental Railroad 1863 – 1869

Stephen Ambrose, the noted author of books that range from the Lewis and Clark expedition to World War II sagas turned his attention to the construction of the first transcontinental railroad, a feat that he refers to as "the greatest engineering achievement of the 19th century."

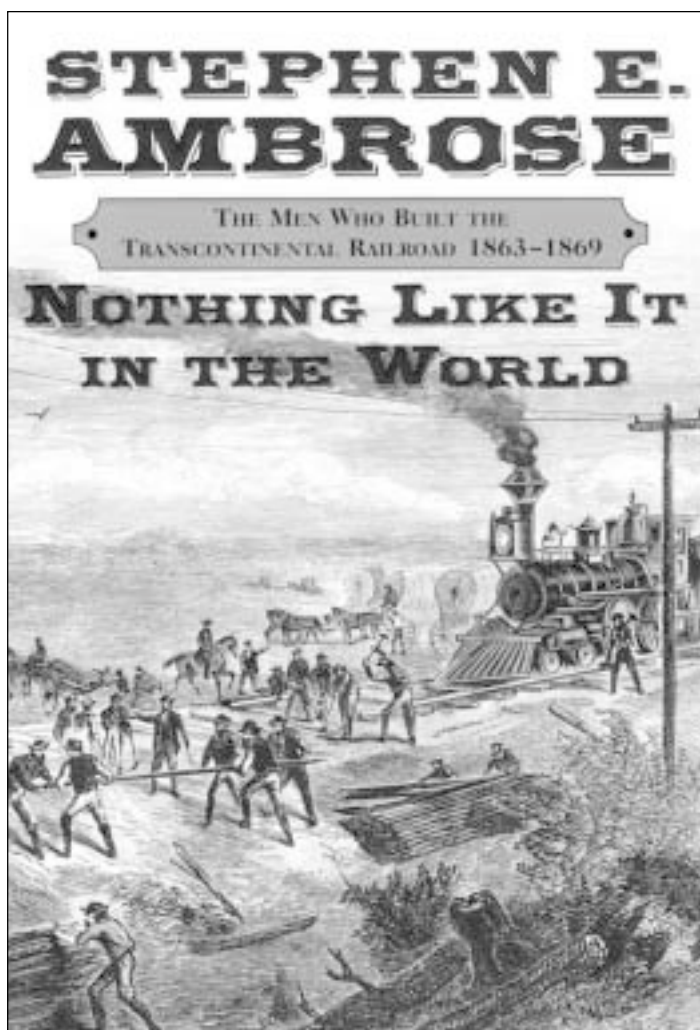
Of particular interest is the extensive detail that Ambrose uses in describing the important role of surveyors from the earliest concept of the project to final completion when the Central Pacific Railroad met the Union Pacific Railroad just north of the Great Salt Lake. He wastes no time in describing their role. In the introduction he writes: "The 'others' were led by the surveyors, the men who picked the route. They were latter-day Lewis and Clark types, out in the wilderness, attacked by Indians, living off buffalo, deer, elk, antelope, and ducks, leading a life we can only imagine today."

Ambrose acknowledges the extensive study of the building of the transcontinental railroad in previously published books, but he wanted to dwell more on "how it was done." Alternating his chapters between the Central Pacific and the Union Pacific, he describes the progress of railroad planning and building. Instead of lengthy detail about any one aspect, the story is told in a rapid pace style, from the early visionaries and financial backers to the material and human logistics of the construction.

A major part of the story deals with the workers, their pay, their life style and hardships. The work was accomplished, "generally

without complaint, by free men who wanted to be there." No one knows exactly how many lost their life, but there were many dangers. From black powder explosions to avalanches to hostile Indians. The surveyors were said to be "careless of danger" in part because they were so "entranced by the country around them." In one described incident, a lead surveyor "wandered away from his party and was caught by a band of Arapahos. He was riddled with arrows."

Along with the overall story the reader is also treated to many interesting pieces of trivia. One such piece deals with the origin of time zones. "What is called 'standard time' came about because of the railroads. Before that, localities set their own time. Because the railroads published schedules, the country was divided into four time zones."

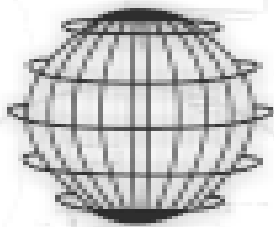


With this book, Ambrose may have done more to promote past accomplishments of surveyors than any other noted author in recent history. It's clear that he understood the type of person attracted to surveying. "The surveyors came first. It was fitting, since they enjoyed life in the open more than most men. They were like the early-nineteenth-century mountain men, adventurous, capable of taking care of themselves, ready for whatever the wilderness threw at them. They were out in front of civilization, enjoying the views, the air, the campfire, the game cooked over it, drinking pure water from the rivers, creeks, and lakes, exploring the country, mapping it. For the surveyors it was pure joy."

After reading this book, you may always look at our railroad in a little different perspective. In any case, this book would be an excellent library addition for anyone with even a slight interest in history. I highly recommend it.

Reviewed by John Freemyer, LS, Carver County Surveyor and past editor of Minnesota Surveyor.

(Originally published in the August 2001 issue of the Minnesota Surveyor. Reprinted by permission.)



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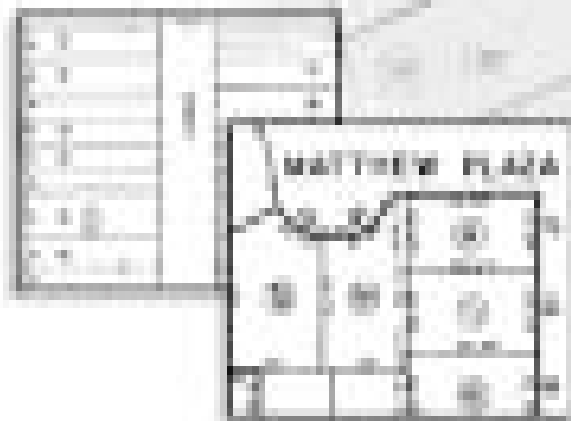
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2002 Board Package includes PLS Binder PLS & PLS Ad with Board Files & Subscribers Map Ad and Rates	\$200.00	\$275.00	\$350.00		
2002 Board Package (as above) plus CD's	\$285.00	\$360.00	\$435.00		
2002 PLS Ad & PLS Ad with Board Files (3.75 x 8.75)	\$7.00	\$9.00	\$12.00		
2002 Subscribers Map Ad and Rates (3.75 x 8.75)	\$7.00	\$9.00	\$12.00		
2002 Selected Observation Handbook & Explanations (includes 101-41, 101-42 & 101-48 Programs)	\$8.00	\$9.00	\$12.00		
California California Proposition Tables - 1990-98 By the Assembly, CA. PLS & Robert J. Anderson, PE	\$8.00	\$10.00	\$14.00		
Right of Entry Cards (minimum order is 2)	\$1.00/ea.	\$2.00/ea.	\$3.00/ea.		
Right of Entry Trust Packages (includes 1 Right of Entry Card (Pkg. of 20))	\$6.00/Pkg.	\$8.00/Pkg.	\$10.00/Pkg.		
Current Board Files - 1000/PLA (20) (Pkg. of 20)	\$10.00/Pkg.	\$12.00/Pkg.	\$17.00/Pkg.		
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Standard Contract Forms Agreement for Professional Services (Part of 20)	\$8.00/ea.	\$10.00/ea.	\$12.00/ea.		
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CLSA Society of Budget Makers (1 _____ (month) or _____ (quarter) issues)	\$1.00/ea.	100	100		
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Thales Navigation

Thales Navigation is one of the world's leading developers and manufacturers of global satellite positioning, navigation and guidance equipment with operations throughout the U.S. and Europe. Thales Navigation's Global Positioning System (GPS) solutions are changing the way people work, play and learn around the world. Applications include the location of food and oil resources, conservation efforts, and city planning, as well as helping people find their way around town, get to the top of mountain or sail around the globe. Thales Navigation finds new ways daily to use GPS to improve people's lives.

Thales Navigation markets its Magellan brand GPS solutions in the consumer electronics, recreation and automotive markets, and its Ashtech GPS and GNSS professional solutions in the survey, GIS/mapping and OEM markets. The company created the first U.S. commercial handheld GPS receiver for positioning and navigation, and the first handheld GPS with industry standard secure digital memory card (SDMC) capabilities.

Headquartered in Santa Clara, Calif., with European headquarters in Carquefou, France, Thales Navigation is a subsidiary of Paris-based Thales, a leading professional electronics company with activities in aerospace, defense and technology.

Spectra 3D Construction & Surveying Instruments Inc.




Spectra 3D Construction & Surveying Instruments Inc. is the new name for the TRIMBLE Sales and Service facility in Hayward, California.

Spectra 3D, located just off the east end of San Mateo Bridge in Hayward is since February 2002 an independently operated distributor of all Trimble's Surveying and Construction products. Frank and Johan Larsson are the new owners, both with many years of experience within the Trimble (Spectra Precision) organization.

Spectra 3D's charter is to provide the Greater Bay Area Surveying and Construction market with competent Application Consultants able to guide the customer to the selection of a Trimble product that best suit his needs and then support him with training and service that allows maximum productivity.

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Here's Some Important Information About CLSA

The goal of the California Land Surveyors Association is to promote and enhance the profession of surveying, to promote the common good and welfare of its members, to promote and maintain the highest possible standards of professional ethics and practice, and to elevate the public's understanding of our profession. CLSA represents all Land Surveyors, whether they are employees or proprietors, whether in the public or private sector.

Representation

LOCAL: Your local chapter represents you in local issues. Through your chapter representative to the State Board of Directors, the individual member can direct the course CLSA will take. **STATE:** The Surveyor is represented at the state level through an active legislative program, legislative advocate, and liaison with the State Board of Registration. **REGIONAL:** CLSA is an active member of the Western Federation of Professional Surveyors. This Federation is composed of associations throughout the western United States and addresses regional issues. **NATIONAL:** Through institutional affiliation with the National Society of Professional Surveyors and the American Congress on Surveying and Mapping, CLSA is represented at the national level.

Educational Opportunities

CLSA presents annual conferences which provide technical and business programs, as well as exhibits of the latest in surveying and computing technology. Seminars and workshops are presented to assist in continuing education. CLSA publishes the California Surveyor magazine and the CLSA NEWS to keep the membership abreast of changing legislation, legal opinions, and other items which affect our profession.

Business and Professional Services

CLSA provides a fully staffed central office which is available to answer questions or to provide up-to-date referrals concerning legislation, educational opportunities, job opportunities, or other issues concerning our membership. Professional liability insurance programs are available to members.

JOIN CLSA TODAY!

- **CORPORATE MEMBER** *\$159.00 + Entrance Fee. Shall have a valid CA Professional Land Surveyor or Photogrammetric license.
- **CE CORPORATE MEMBER** *\$159.00 + Entrance Fee. Any California registered Civil Engineer who is authorized to practice land surveying pursuant to Article 3, Section 8731 of the PLS Act and must be actively practicing land surveying and show sufficient proof thereof. CE Corporate membership must be approved by the Board of Directors.
- **AFFILIATE MEMBER** *\$79.50 + Entrance Fee. Any person who, in their profession or vocation, relies upon the fundamentals of land surveying.
- **ASSOCIATE MEMBER GRADE** *\$79.50 + Entrance Fee. Any person who holds a valid certificate as a Land Surveyor-in-Training.
- **OUT-OF-STATE CORPORATE MEMBER GRADE** *\$79.50 + Entrance Fee. Any person who resides in a state other than CA, who is a member of the other state's Association, and meets the requirements of Corporate Member.
- **STUDENT MEMBER GRADE** *\$15.90. A student in a college or university actively pursuing a surveying education.
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12. Signature of Applicant _____

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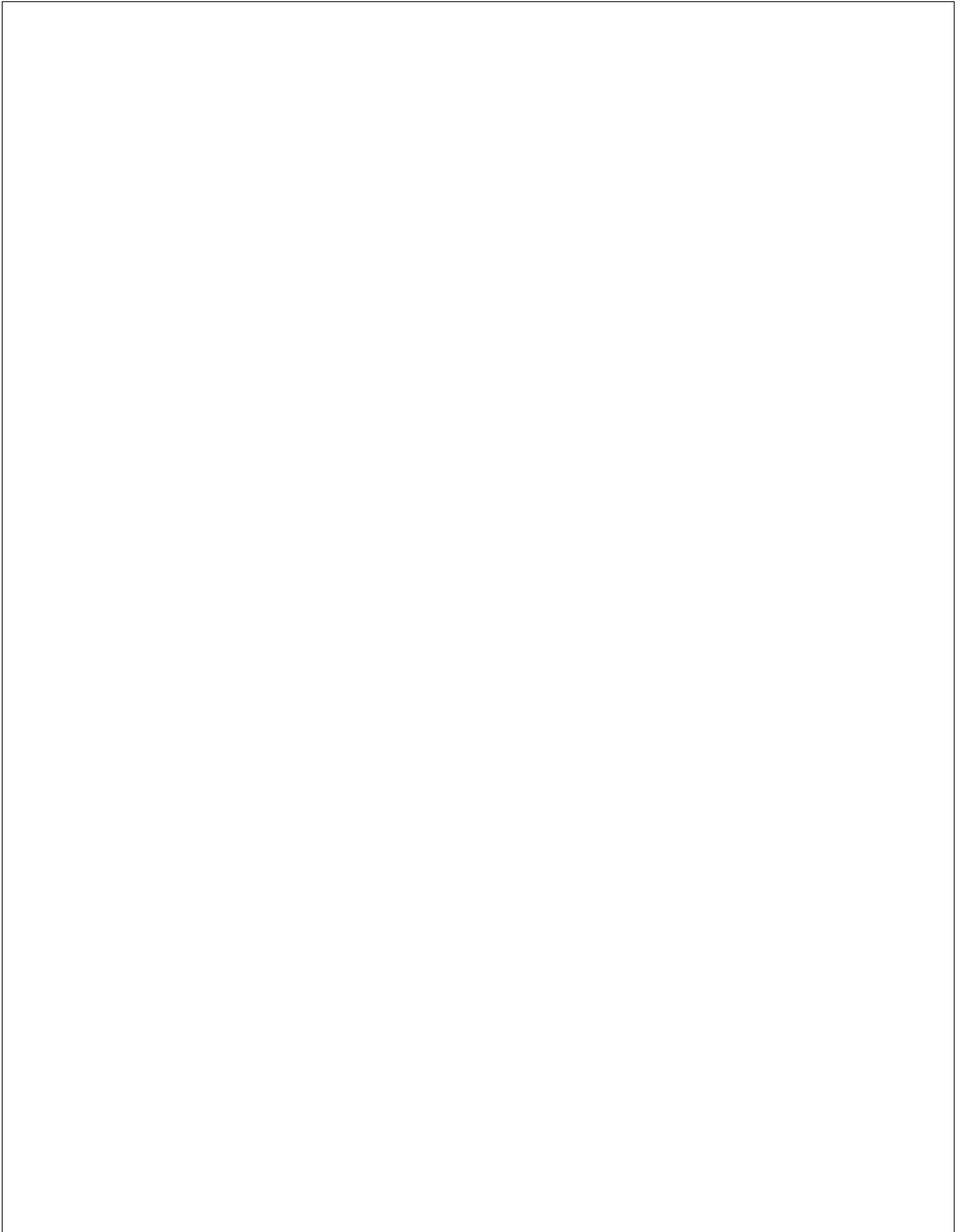
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