



By Joel Leininger, LS

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Articulating a Survey

We digress this month from the examination of retracement doctrine to explore a rabbit trail just off the main road: the presentation of our opinion. Curtis Brown once wrote that it is no longer enough merely to be correct; we must be able to convince others that we are correct. With apologies to Mr. Brown, I doubt that mere correctness was ever enough. Ours is a profession whose work is not self-evident; in other words, intangibles like the precise location of boundary lines and the interpretation of conflicting grants are not obvious to the lay observer (and sometimes are not obvious to our peers). Factor in the possibility of disagreement over that location with other surveyors and it becomes apparent that our several audiences (clients, adjointers, attorneys, other surveyors, etc.) expect that we will be able to explain and defend our opinion if required. Thus, the clear presentation of our opinion, whether in graphic form or in prose, is an indispensable part of our practice.

And yet, instructional material for land surveyors has paid scant attention to the relating of our conclusions. I have written previously* on the inferences readers draw from our written and verbal communications, so I will not here re-till that furrow, but one question remains: What are our obligations to the users of our work with respect to the clarity and completeness of our reports?

We should recognize initially that different media lend themselves to different conversations. In his book *Amusing Ourselves to Death*, Neil Postman pointed out that although smoke signals are an adequate communication tool for some messages—such as “The enemy is coming!”—the medium runs aground when



tasked with conveying complex thought (for instance, philosophical argument). One would run out of wood and blankets long before he reached his second axiom. In the same manner, our writings, drawings, metes and bounds descriptions, surveyor’s reports, formal opinion letters, etc., all have strengths and weaknesses inherited from the medium they inhabit. A picture is likely worth far more than a thousand words, but it is the rare picture indeed that can articulate legal reasoning. We’ll focus on drawings in this installment and revisit prose in another issue.

The Minimum

It seems to me that at the very least, a boundary survey plat ought to provide a retracing surveyor sufficient data to retrace the work on-the-ground. That is not to say that every possible method of retracement need be provided, but at least one. At our firm, for instance, courses, distances, monuments, precise distances to nearby objects, etc., are

noted on boundary plats, but no coordinates of any kind. Occasionally another surveyor will take me to task over our refusal to release coordinate data, but I believe our reasoning is sound: *we don’t release it because we don’t want other surveyors relying on it.* If one must retrace our work, we recommend using the data specified on the plat. If that is somehow flawed, we are at fault and are obligated to fix the problem. Other surveyors may prefer to note other kinds of data on their plats and this is as it should be. Absent regulations to the contrary, I think it appropriate to leave the selection of detail to the surveyor. The underlying tenet must be that the plat contain sufficient information to allow a competent surveyor to retrace the work.

Next in importance are state or local regulations regarding plat content. (Some might wonder that I prioritize the retracement data higher than state regulations, and I do so only after considerable

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thought. To the extent that regulations do not require sufficient data on a plat to enable accurate retracement, shame on them; I believe our obligation to various audiences requires it nevertheless. Adding more information than is required by law surely would not run afoul of the law, but omitting it forces surveyors who are doing the retracing to either ignore the work altogether or contact us looking for help. I vote for putting it on the plat in the first place.)

I once had a discussion with a group of surveyors over whether to note found (and held) monumentation on a subdivision plat. The discussion centered around whether “gratuitously” adding that information when the county did not require it would tempt the county to require it in the future—further overloading already overweight plats. Those surveyors forgot who the real audiences of a subdivision plat are. The “shelf life” for the average subdivision plat is best measured in centuries, and yet these myopic folks were wholly focused on the review and approval process. I replied that I hoped the county would begin to require such monumentation—but I don’t remember being invited to the next meeting.

At the heart of any persuasive report must be two components: a clear articulation of the relevant facts, and a coherent expression of the opinion we have drawn from them. That is to say, without an opinion we have no survey; we merely have data. Conversely, a bare opinion without a recitation of the facts appears groundless.

Retracement Insight

Some subtleties remain, however. Does noting “Iron Pipe” at a particular spot fully document that monument’s role in the survey? Was it found during the survey or set as a result of it? Perhaps it had been set pursuant to a previous survey conducted by the same firm. Each of the three possibilities flavors the correct interpretation of that pipe by a retracing surveyor. Thus, the failure of the original surveyor to note the circumstances surrounding the inclusion of the pipe in the survey robs any retracement of insight into the pipe’s history.

It is probably legal to produce plats that are in some ways neither clear nor complete, but is it right? I’d bet that no laymen would say so. And they’d be correct. 

** Editor’s Note: You may further browse Leininger’s writings at www.mapuser.com.*