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The “Weight” of Monument Placement

The placement of a property corner monument seems like such a simple act. If your land surveying practice is like mine, you may not remember the last time you set a property corner monument. Or, if your practice is focused on small property surveys, you may set property corners frequently.

Monument placement is such a common part of what we do, that we often fail as boundary surveyors to think about the weight, or significance of the act. It would benefit us to stop and think about how that monument, once in the ground, is viewed by others. That includes how it is viewed by:

1. Non surveyors.
2. Our fellow boundary surveyors.
3. The legal system.

In this installment of Footsteps we will consider how the act of monument placement can be viewed differently by each of the groups listed above.

How Monument Placement Is Viewed By Others: Non-Surveyors

We'll begin the body of our discussion by considering how the act of monument placement is viewed by others. I want to focus most of our attention in this section of the article on how monument placement is viewed by non-surveyors, and especially land owners. Of the three (3) groups that I listed above, this group is the most important when it comes to monument placement. Why?

Most non-surveyors, and certainly most land owners, lack a deep under-

Groups With Different Views of Monument Placement

- Non-Surveyors (Land Owners)
- Fellow Boundary Surveyors
- The United States Legal System

standing of boundary surveying principles. For example: Most land owners would be confused by multiple monuments set to mark a single corner. They might ask these questions:

1. Why are their multiple monuments? Isn't there only a single corner?
2. Which surveyor's monument is correct? Which surveyor's monument is wrong?

These questions reveal a lack of knowledge about some of the uncertainty and ambiguity in boundary surveying. Is it possible that two (2) boundary surveyors could come up with two (2) different monumented locations for a property corner, and that both locations are reasonable solutions? I would say, in many cases, the answer is yes. This uncertainty is very confusing to most non-surveyors.

Here is another example: Most land owners would be confused if property corner monuments placed on the ground didn't closely match the dimensions of their property deed or survey map. Why? Because they have never been taught about things like measurement error, the differing levels of precision

Implications of Surveyor View of Monument Placement

- You need to get your property corner monument in the correct location, the first time.
- Back up your boundary survey resolution with monuments in the ground.

based on measurement methods, junior/senior rights, and the deterioration of boundary evidence over time.

How does this limited knowledge about boundary surveying impact non-surveyors viewpoint of monument placement?

I would argue (in most cases) it results in the land owner viewing the set monument as a sacred marker of the property corner that is beyond dispute.

Think about the profound consequence of the previous statement: We are given a special trust by non-surveyors, who assume, because of their ignorance, that our property corner monuments are always correct.

What will we do with this special trust as boundary surveyors? Will we handle it very carefully, and with a sense of respect? Or will we abuse it by our carelessness or a retreat from ethical standards of work because of competitive price pressures?

In my mind this special significance given to our set property corner monuments is the most important element considered in this article. It is something we should consider deeply before monument placement.

	PRINCIPLES OF EQUITY (FAIRNESS)	STRICT APPLICATION OF LEGAL PRINCIPLES	ORIGINAL MONUMENTS
US LEGAL SYSTEM VIEW OF MONUMENT PLACEMENT	A monument that has been relied upon for a long period of time may be held as the location of the property corner even if it is not exactly "correct".	A monument that has been relied upon for a long period of time may be rejected as the location of the property because it is not "correct".	An "original" monument may be treated with special status. Its location will often control over other evidence, including measurements.

How Monument Placement Is Viewed By Others: Fellow Boundary Surveyors

How are the monuments we place at property corners viewed by our fellow boundary surveyors?

They certainly view our monuments from a more nuanced and educated perspective. It is reasonable to conclude that they treat our monuments with a bit more suspicion (and for good reasons). This isn't necessarily because they doubt our desire to do good work, but they understand all of the factors (like measurement error) that can result in confusion about the proper location for a property corner.

Despite this more nuanced view, I believe many boundary surveyors will (and should) treat existing property corner monuments with respect and should be hesitant to dispute them with other set monuments. I am personally reluctant to set a monument close to another because I believe my solution for the property corner location is the more "correct" one. If it is possible (and reasonable) I will try to accept the position of an existing monument. There are good reasons for this, which we can discuss further in a future article.

What are the implications of this view that many fellow boundary surveyors have of our set property corner monuments? I think there are two (2) important implications:

1. You need to get your monument in the correct location, because future boundary surveyors will be hesitant to correct your mistakes with a new monument.
2. If you want your boundary resolution to be more readily accepted by fellow boundary surveyors, back it up with monuments in the ground.

How Monument Placement Is Viewed By Others: The Legal System

We'll conclude our article by considering how property corner monuments are viewed by the United States legal system. Although this is a complex subject, we can attempt to simplify it to some bare essentials:

1. The legal system gives special significance to "original" property corner monuments. This is a critical truth that every boundary surveyor should be intimately familiar with. It also means boundary surveyors have a special opportunity when they can set original property corner monuments. (We will talk about this special opportunity in a future article as well.)
2. If a court leans heavily on the principles of equity (or fairness) in its decision, a court in the United States legal system may hold a property corner monument that has been long accepted by surrounding land owners and relied upon by them, even if it isn't in the exactly "correct" position calculated by the application of boundary survey principles and mathematics.
3. If a court leans heavily on strict adherence to legal principles, and gives equity less weight, a court may overturn a property corner monument that is not in the "correct" position calculated by the application of boundary survey principles and mathematics. This is despite of its acceptance by land owners and boundary surveyors.

Item #2 and Item #3 in the list above are obviously in conflict. There is a balancing act that courts will try to achieve

between equity and the strict application of boundary surveying principles. One risk in allowing a boundary dispute to go to court is the unpredictability in how a court will determine this balance. We can see this variability present in court decisions where property corner monuments were in dispute.

Despite this unpredictability, it is helpful as boundary surveyors to consider how the United States legal system may view the monuments we set.

Conclusion

The way our monuments are viewed by others can change significantly based on the background and position of the viewer. Certainly the special trust and faith non-surveyors place in our monuments should be of utmost concern to us when we think about marking property corners. We should also remember that the boundary surveyors that follow us may be very hesitant to dispute a monument we've set with a monument of their own. Ultimately, the way the United States legal system views our monuments is important, because they have the final work on boundary location and are the highest judge of the correctness of our work.

This article has raised some interesting issues about monument placement. This includes the special opportunity to set original property corner monuments, and how we make our decisions to accept or reject property corner monument we find that are set by other boundary surveyors. We will certainly talk about these topics more in future articles. I'd also like to briefly discuss some reasons to place or not to place monuments, and how we can assess and communicate property corner monument risk. 