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**Legislation changes effective January 1, 2015**  
**Senate Bill No. 1467, Chapter 400**

## **“SURVEY MONUMENT PRESERVATION”**

Section 16: Section 8771 (b) and (d) of the Business and Professions Code (Land Surveyor’s Act):

*(b) When monuments exist that control the location of subdivisions, tracts, boundaries, roads, streets, or highways, or provide horizontal or vertical survey control, the monuments shall be located and referenced by or under the direction of a licensed land surveyor or licensed civil engineer legally authorized to practice land surveying prior to the time when any streets, highways, other rights-of-way, or easements are improved, constructed, reconstructed, maintained, resurfaced, or relocated, and a corner record or record of survey of the references shall be filed with the county surveyor.*

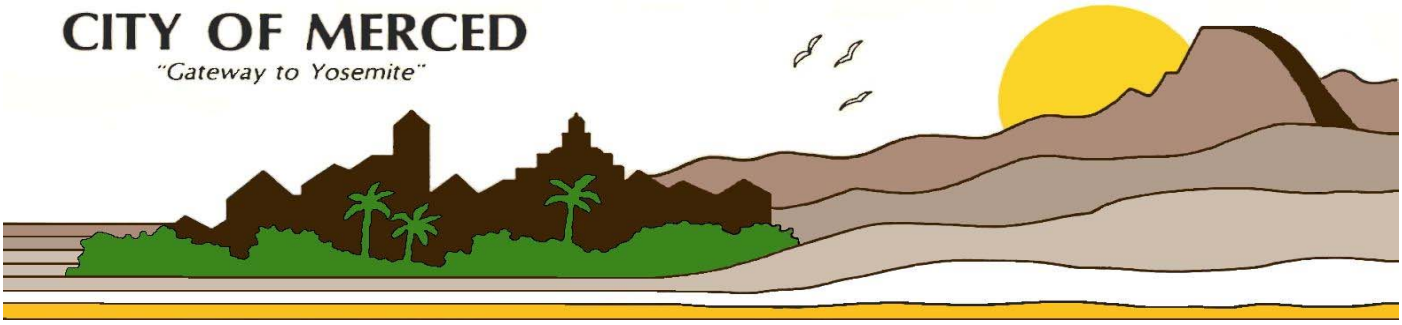
*(d) The governmental agency performing or permitting construction or maintenance work is responsible for ensuring that either the governmental agency or landowner performing the construction or maintenance work provides for monument perpetuation required by this section.*

The City of Merced has modified the Encroachment and Grading permit process to ensure that there is an individual in responsible charge of the Land Surveying activities within the bounds of the permitted construction. The individual shall be a Licensed Land Surveyor or a Professional Engineer authorized to perform Land Surveying in the State of California. It shall be at the sole discretion of the City Engineer to determine if the permitted construction activity warrants the need to fulfill this requirement.

- Minor construction activity where there is no potential for jeopardizing monuments would be a situation where the City of Merced would not require the permittee to designate an individual in responsible charge of the Land Surveying activities within the bounds of the permitted construction.
- All other permitted construction activity will require a **Certificate of Monument Preservation** be signed by an individual in responsible charge of the Land Surveying activities within the bounds of the permitted construction prior to issuance of the permit. Prior to final acceptance of the construction activity, the City of Merced will require another **Certificate of Monument Preservation** signed by the designated individual in responsible charge of the Land Surveying activities, stating that all monuments within the bounds of the permitted construction have been preserved.

# CITY OF MERCED

"Gateway to Yosemite"



City of Merced Encroachment Permit No. \_\_\_\_\_

## CERTIFICATE OF MONUMENT PRESERVATION

I \_\_\_\_\_, a duly Licensed Land Surveyor or Professional Engineer authorized to perform Land Surveying in the State of California as specified in the Business and Professional Code Section 8700, do hereby certify that I have performed monument preservation as required by Business and Professional Code Section 8771, at the request of (*indicate below your client's name?*)

Attached is the Corner Record(s) or Record of Survey on file in the Office of the County Surveyor of Merced County and/or a sketch showing monuments searched for and not found. Please place "S.N.F." for each monuments searched for and not found.

This Certificate of Monument Preservation was prepared by me, or under my direction, in conformance with the Land Surveyors' Act on \_\_\_\_\_, \_\_\_\_\_.

Signed \_\_\_\_\_ P.L.S or R.C.E. No. \_\_\_\_\_

Date: \_\_\_\_\_

Stamp

### INDICATE IF PRE or POST CONSTRUCTION

PRE-CONSTRUCTION

POST-CONSTRUCTION

## Excerpts from California Laws Relating to Monument Conservation

Business & Professions Code  
(Land Surveyors Act) §8771.

(b) When monuments exist that control the location of subdivisions...roads, streets or highways...the monuments shall be located and referenced by or under the direction of a licensed land surveyor or registered civil engineer prior to the time when any streets, highways, other rights-of-way, or easements are improved, constructed, reconstructed, maintained, resurfaced, or relocated, and a corner record or record of survey of the references shall be filed with the county surveyor....  
...It shall be the responsibility of the governmental agency or others performing construction work to provide for the monumentation required by this section...

## Business & Professions Code (Land Surveyors Act) §8725

...It is unlawful for any person ...to set, reset, replace, or remove any survey monument on land in which he or she has no legal interest, unless he or she has been licensed or specifically exempted from licensing under this chapter.

## PENAL CODE

§605. Every person who either:

1. Maliciously removes any monument erected for the purpose of designating any point in the boundary of any lot or tract of land, or a place where a subaqueous telegraph cable lies; or,
2. Maliciously defaces or alters the marks upon any such monument; or,
3. Maliciously cuts down or removes any tree upon which any such marks have been made for such purpose, with intent to destroy such marks; Is guilty of a misdemeanor.

## Government Code §27581

All monuments located in public highways shall be placed with the top not less than 12 inches below the surface of the ground, but when not located in public highways, they shall be placed with the top six inches above the surface of the ground...

Note: These excerpts from California law have been edited to provide relevant portions in a limited space. You must refer to the complete text of the statutes and laws for full meaning and context.



## What are Survey Monuments?

The corners of parcels or lines of easements can only be visualized on the ground by setting markers, or survey monuments. A survey monument is a physical marker that locates a corner or line on the ground. They can be on a line or offset from a line, on, above or below the surface, noticeable or almost invisible. These markers can take many forms, some more durable than others:

- a chiseled cross in a sidewalk set 60 years ago
  - a nail and brass tag under 2" of pavement
  - iron pipes of any diameter driven into the ground, either buried well below the surface or visible at the surface
  - wood stakes or posts, with or without identifying tags
  - old nails or "X" scribed in concrete
  - rebar, with or without identifying caps
  - a scribed stone or post placed in or on the ground, sometimes with a rock mound around it
- ... the list goes on.

## Why are Survey Monuments Important?

Existing monuments are used to maintain the integrity and continuity of adjoining properties, neighborhoods, subdivisions, roads, highways, cities, counties, states, and even countries.

The land surveying community has observed an increase in the mortality rate of survey monuments set for right of way control, public, and private property boundaries. With their destruction, the potential for conflicts and uncertainty of boundaries arises.

## How Can a Land Surveyor Help?

You may be able to recognize a survey monument set at or above the surface of the ground. But your local Land Surveyor is experienced and qualified to research and properly identify what markers may still exist near your project – and to find and recover them without destruction!



## What are the Benefits of Monument Conservation?

- ✓ Protection of Rights - Survey monuments protect the rights of property owners, easement holders, and their adjoiners.
- ✓ Keeping the Law - Malicious removal or destruction of survey monuments is against the law.
- ✓ Stability – Survey monuments provide stability and balance of interests in real property.
- ✓ Avoid liability! - You may be liable for the destruction of monuments caused by your improvements.
- ✓ Cost Savings - It costs much less to preserve a monument than it does to replace it after it is destroyed.
- ✓ Tax Savings – Resetting road, property or easement monuments after a public improvement project adds significant costs which will ultimately be borne by the tax-paying public.
- ✓ Preserve Original Locations - Property lines and easements can be easily identified in their original location when monuments are preserved.
- ✓ Stay out of Court – Avoid possible civil actions based on unknown boundary locations when monuments are preserved.



## How to Avoid Monument Destruction & Penalties

Use the skills and expertise of your local Land Surveyor! He or she can provide the following services to conserve survey monuments before and after construction...

### Before Construction or Project

- ✓ research - research record information for existence of markers and benchmarks
- ✓ locate & identify – search for and find existing markers and benchmarks, whether visible or buried
- ✓ reference – set reference marks to original monuments that will remain throughout and after construction

### After Construction or Project

- ✓ replacement – set replacement markers in original position using reference marks if original monuments are disturbed or destroyed
- ✓ document – file proper documentation with the proper agency(ies) showing original and replacement monuments
- ✓ preservation – set protective posts or structures near monuments for future identification

Be sure to obtain copies of the Surveyor's documentation and/or take photos of monuments, whether original or replacement monuments.

REMEMBER – \$1 of prevention is worth \$10 "cure" - replacing a monument AFTER it is destroyed takes 10 times the cost to protect it BEFORE it is destroyed.

