

COPY

MEMORANDUM OF UNDERSTANDING

BETWEEN

THE COLORADO STATE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS

AND PROFESSIONAL LAND SURVEYORS

AND

THE COLORADO DEPARTMENT OF TRANSPORTATION

Purpose

The purpose of this memorandum is to clarify the policies and practice of professional land surveying within the Colorado Department of Transportation.

Applicability

This document amends the Memorandum of Understanding executed by the Colorado Department of Transportation and the Board of Registration for Professional Engineers and Professional Land Surveyors, first dated July 1, 1985.

Definitions

1. "Aliquot Corner" as defined by CRS 38-51-102(2) (1994) means any section corner or quarter section corner and any other corner in the public land survey system created by subdividing land according to the rules of procedure set forth in CRS 38-50-101 (1994) and the Manual of Instructions for the Survey of Public Lands of the United States, 1973.
2. "Preliminary Survey" means a land survey conducted by or for the Colorado Department of Transportation establishing a land survey control in the field which is used to tie suspected or unconfirmed aliquot corners, boundary evidence, monumented property corners, existing right of way markers, and topography for the purpose of locating and restoring real property boundaries (as per CRS 12-25-202(6)). A preliminary survey falls within the statutory definition of professional land surveying as set forth in CRS 12-25-202 (1994).
3. "Land Survey" as defined in CRS 38-51-102(11) means a series of observations and measurements made by a Professional Land Surveyor pursuant to CRS 38-51-103 (1994), 38-51-104 (1994) and 38-51-105 (1994) for the purpose of locating or restoring any real property boundary.

4. "Right of Way Plan" means a land survey plat showing the land survey control in relation to aliquot corners, property lines, found monuments, relevant topography and an irregular parcel, defined and described for the purpose of Right of Way Acquisition, which shows all of the information required by CRS 38-51-106 (1994).
5. "Right of Way Marker" means a monument set by the Colorado Department of Transportation used to define the Colorado State Transportation boundaries in the field (as per CRS 38-51-104). These markers are not to be confused with aliquot corners or corners which define the intersecting property lines with the highway boundary.
6. "Monument Record" as defined by CRS 38-53-103 (14), means a written and illustrated document describing the physical appearance of a survey monument and its accessories or of a bench mark.
7. "Irregular Parcel" as defined by CRS 38-51-102 (10) means a parcel of land which is not uniquely defined on a subdivision plat but which is described by any of the following methods:
  - A. a metes and bounds description;
  - B. a book and page or reception number reference;
  - C. any so called "assessor's tract"; or
  - D. a description which calls only for the owner's or adjoiner's name.
8. "Land Survey Control" means a network of control corners established by the Department of Transportation as per CRS 38-51-102(6).
9. "Land Survey Control Diagram" means a diagram used to illustrate the monuments found or established by the land survey control in relationship to the right of way or any land boundary, which shows all of the information required by CRS 38-51-106.
10. "Written property description" means a general description of the location of a property surveyed which meets the requirements of CRS 38-51-106(1) (i) and may contain a reference to a recorded written legal description.

#### Compliance with Colorado Statutes

The provisions of Articles 50, 51, 52 and 53 of Title 38, and Article 25, Part 2 of Title 12, of the Colorado Revised Statutes, as amended, apply to the Colorado Department of Transportation's practice of land surveying. It is the intent of this memorandum to bring the Colorado Department of Transportation into full compliance with the state statutes and Board Bylaws and Rules of Procedure and Rules of Professional Conduct. The Colorado Department of Transportation shall continue to have the following duties performed under the control and direction of a Colorado licensed professional land surveyor:

1. Establishing land survey control from which the right of way or any land boundary will be calculated, described or monumented.
2. Establishing ties to aliquot corners and restoring, resetting or upgrading aliquot corners according to Board rules.

3. Setting of right of way markers in accordance with CRS 38-51-104 and CRS 38-53-105. Right of Way markers shall be set not more than 1400 feet apart along any straight boundary line as well as at all angle points, at the beginning, end, and points of change of direction or change of radius of any curved boundaries defined by circular arcs. Right of Way markers must bear the stamp of the professional land surveyor in responsible charge of the work.
4. Referencing out and resetting of aliquot corners disturbed by construction. If the corner falls within the traffic area of a highway, the top of the monument shall be placed one-half foot below the roadway surface, and the monument shall be provided with a monument box, the top of which shall be set nominally flush with the surface of the pavement.
5. Preparing and reviewing of right of way plans or any other type of property boundary plans or legal descriptions from data collected by the field surveyors.
6. Filing of monument records with the Colorado State Board of Registration for Professional Engineers and Professional Land Surveyors and County Clerk's office as required by CRS 38-53-104. A monument record must be sealed by the land surveyor in responsible charge of finding, establishing, resetting or upgrading the monument. Pursuant to CRS 38-53-104 a monument record shall be filed on all aliquot corners found, upgraded according to Board rules or reset.
7. Land survey control diagrams shall be deposited in the appropriate county office in accordance with CRS 38-50-101 and 38-51-107 (1994).
8. Right of way plans shall be deposited in the appropriate county office in accordance with CRS 38-50-101 and 38-51-107 within six months of right of way monumentation.
9. Maintaining historical data on all land surveys and row plans made by the Colorado Department of Transportation.

#### Further Understanding

1. The Colorado Department of Transportation shall comply with CRS 38-51-104 which requires that "The corners of lots, tracts, or other parcels of land, all aliquot corners, and any line points or reference points which are set to perpetuate the location of any land boundary or easement shall, when established on the ground by a land survey on and after July 1, 1975, be marked by reasonably permanent markers solidly embedded in the ground. Affixed securely to the top of each such marker shall be a durable cap bearing the Colorado registration number of the professional land surveyor responsible for the establishment of said marker."

2. The Board acknowledges the Department of Transportation's determination that the Department is not required to monument uneconomic remnants, excess rights of way or maintenance sites when no land survey has been performed to locate the boundary of uneconomic remnants, excess rights of way, or maintenance sites.

3. The Board further acknowledges the Department of Transportation's determination that the Department is not required to monument remainder tracts, unsurveyed easements or ownerships inside or outside of the Department's Right of Way lines.

4. The Board does not intend to take any legal action to require the Department to monument these remainder tracts or ownerships unless the facts of a specific case give rise to a need for monumentation for public protection purposes. If such a special case arises, the Board will contact the Department to coordinate a cooperative effort as the first action toward solving the problem.

STATE BOARD OF REGISTRATION FOR  
PROFESSIONAL ENGINEERS AND  
PROFESSIONAL LAND SURVEYORS

STATE OF COLORADO  
DEPARTMENT OF  
TRANSPORTATION

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Date: 1/13/95

Date: Dec. 9, 1994

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