



Louisiana Professional Engineering and Land Surveying Board

Order/Ruling Number:

Subject Reference:

Petition for Declaratory Order and Ruling

1. Name of Petitioner: Mitchell P. Wyble, P.E. on behalf of Lafayette Consolidated Government
 Address: P.O. Box 4017-C, Lafayette, LA 70502
 Telephone No.: 337-291-8542
 Email: mwyble@lafayettela.gov

2. List all statutes, rules or orders of the Board to which this petition relates:
La. R.S. 37:698(A)(6), to wit LAC Title 46:LXI§2907

3. Clearly and concisely state all the facts necessary to show the manner in which the petitioner is aggrieved by the statute, rule or order or by its potential application, or in which the petitioner is uncertain of its effects: At current practice the consultants performing work for LCG believe they are required by law to set all monuments along the newly acquired right of way due to the fact that an individual plat acquiring the right of way has been produced and is recorded. LCG is of the opinion that only those points on tangent or along the curve of the acquired right of way need to be staked immediately upon acquisition of the right of way being right of way maps are also produced.

4. Clearly and concisely state the declaratory order or ruling requested by the petitioner:
LCG is requesting that the Board determine whether or not all monuments must be set immediately upon acquisition of the acquired right of way for all properties affected or is it allowable to set only those monuments defined by the new right of way line which has become LCG property. In other words do the corners of adjacent properties have to be set also prior to construction.

5. State whether the petitioner has an application or is involved in a disciplinary or enforcement investigation or proceeding, or in any other matter which is presently pending before or under consideration by the Board. If so, explain in detail: Petitioner does not have an application or is involved in a disciplinary or enforcement investigation or proceeding or in any other matter which is presently pending before or under consideration by the Board.

6. State whether the declaratory order or ruling requested by the petitioner relates to, is similar to or is connected with any pending litigation or with any disciplinary or enforcement investigation or proceeding presently pending before or under consideration by the Board. If so, explain in detail: The requested declaratory order or ruling is not connected with any pending litigation or any disciplinary or enforcement investigation or proceeding presently pending before or under consideration by the Board.

Signature of Petitioner: _____ Date: February 6, 2015

**LOUISIANA PROFESSIONAL ENGINEERING
AND LAND SURVEYING BOARD
9643 Brookline Avenue, Suite 121
Baton Rouge, Louisiana 70809-1433**

RULING ON PETITION FOR DECLARATORY ORDER

RULING NO. 2015-1

1.

On February 6, 2015, Mitchell P. Wyble, P.E. (“Petitioner”) filed with the Louisiana Professional Engineering and Land Surveying Board (the “Board”) a petition for declaratory order and ruling pursuant to LAC Title 46:LXI§727.

2.

Petitioner states that professional land surveyors performing work for the Lafayette Consolidated Government believe they are required by law to set monuments at the intersecting property corners of all tracts of land which adjoin a strip of land acquired, or to be acquired, in fee for use as a road or street right-of-way; however the Lafayette Consolidated Government believes that said professional land surveyors are only required to set monuments at the points which define the boundaries of the new road or street right-of-way.

3.

Petitioner seeks a declaratory order as to whether a professional land surveyor is required to set monuments (a) at the intersecting property corners of all tracts of land which adjoin the new right-of-way or (b) only at the property corners of the new right-of-way, *i.e.*, the points which define the boundaries of the right-of-way.

4.

LAC Title 46:LXI§2901(C) provides as follows:

A boundary survey in this state shall only be performed by a professional land surveyor, licensed pursuant to the laws of this state, or persons under his/her responsible charge. The professional land surveyor shall at all times comply with the provisions of the licensure law and the rules of the board.

5.

LAC Title 46:LXI§2903(A) defines a “corner” as:

a point on a land boundary at which two or more boundary lines meet. It is not the same as a monument, which refers to the physical evidence of the corner's location on the ground.

6.

LAC Title 46:LXI§2903(A) defines a “monument” as:

a physical object or structure which marks the location of a corner or other survey point. In public lands surveys, the term *corner* is employed to denote a point determined by the surveying process, whereas the *monument* is the physical object installed, or structure erected, to mark the corner point upon the earth's surface. Monument and corner are not synonymous, though the two terms are often used in the same sense.

7.

LAC Title 46:LXI§2907(A) defines a “property boundary survey”, in part, as:

a survey which, after careful study, investigation, and evaluation of major factors influencing the location of boundaries, results in the deliberate location or relocation on the ground of, and the recovery or installation of monuments that define the location and extent of, one or more boundaries.

8.

LAC Title 46:LXI§2907(C) provides, in pertinent part, as follows:

A property boundary survey shall result in the recovery, establishment or reestablishment of monumented corners and points of curvature and tangency. Reference monuments shall be established or reestablished when required by these standards (see Subsection E, "Monuments").

9.

LAC Title 46:LXI§2907(E) provides, in pertinent part, as follows:

The professional land surveyor shall set monuments at all boundary or lot corners, including points of curvature and points of tangency unless monuments already exist or cannot be set due to physical obstructions.

ORDER

After due consideration of the petition for declaratory order and ruling filed by Petitioner and after discussion by the Board during its meeting on March 16, 2015:

IT IS THE RULING of the Board that:

10.

The term “corner” refers to the intersection of two boundary lines belonging to the tract of land being surveyed. It does not refer to the intersection of a boundary line of an adjoining tract of land with a boundary line of the tract of land being surveyed.

11.

When performing a property boundary survey of a strip of land acquired, or to be acquired, in fee for use as a road or street right-of-way, a professional land surveyor shall set monuments at the property corners of the new right-of-way, *i.e.*, at every point where changes in the alignment of the right-of-way occur, including points of curvature and points of tangency of curves. There is no requirement in the Board’s laws or rules that monuments be set at the intersecting property corners of tracts of land which adjoin the new right-of-way.

12.

When performing a property boundary survey of a strip of land acquired, or to be acquired, in fee for use as a road or street right-of-way, the Board recommends that a professional land surveyor also set monuments at other intermediate points along curves and tangents, such as not more than one thousand (1,000) feet apart on curves and not more than one thousand five hundred (1,500) feet apart on tangents (as is the long-standing practice of the Louisiana Department of Transportation and Development).

13.

In connection with a property boundary survey of a strip of land acquired, or to be acquired, in fee for use as a road or street right-of-way, monuments shall only be installed under the responsible charge of a professional land surveyor.

THUS DONE at Baton Rouge, Louisiana, on the 16th day of March, 2015.

**LOUISIANA PROFESSIONAL ENGINEERING
AND LAND SURVEYING BOARD**

By: 
THEODORE H. THOMPSON, P.E., Chairman