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**TITLE 865 STATE BOARD OF REGISTRATION
FOR LAND SURVEYORS**

Proposed Rule
LSA Document #03-22

DIGEST

Amends 865 IAC 1-7-3 to revise what a registered land surveyor may include in the registrant's plans. Amends 865 IAC 1-12 to revise the standards for the competent practice of land surveying. Repeals 865 IAC 1-10-23 and 865 IAC 1-10-24. Effective 30 days after filing with the secretary of state.

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|------------------------|------------------------|
| 865 IAC 1-7-3 | 865 IAC 1-12-9 |
| 865 IAC 1-10-23 | 865 IAC 1-12-10 |
| 865 IAC 1-10-24 | 865 IAC 1-12-11 |
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| 865 IAC 1-12-7 | |

SECTION 1. 865 IAC 1-7-3 IS AMENDED TO READ AS FOLLOWS:

865 IAC 1-7-3 Use of seal and signature; acceptance of full responsibility

Authority: IC 25-21.5-2-14

Affected: IC 25-21.5

Sec. 3. (a) The seal and signature of a registrant on any drawings, documents, or instruments signifies the registrant's acceptance of full responsibility for the professional work represented thereon, except as another registrant shall have assumed a limited responsibility for portions of the work in accordance with ~~the provisions of~~ section 2(e) of this rule.

(b) A registrant may include in the registrant's plans certain ~~predesigned manufactured equipment or products which~~ **that** have become established as acceptable for the proposed use when such items:

- (1) meet standards established by nonprofit trade organizations;
- (2) meet the requirements for the proposed use as indicated by tests performed by a competent, unbiased testing agency; ~~or~~
- (3) are mechanical or other types of machinery or systems guaranteed by a reputable manufacturer; or
- (4) do not affect the structural safety of the project.

(State Board of Registration for Land Surveyors; Rule 7, Sec 4; filed Feb 29, 1980, 3:40 p.m.: 3 IR 633; filed Oct 13, 1992, 5:00 p.m.: 16 IR 879; readopted filed May 22, 2001, 9:55 a.m.: 24 IR 3237) NOTE: 864 IAC 1-1-7-4 was renumbered by Legislative Services Agency as 865 IAC 1-7-3.

SECTION 2. 865 IAC 1-12-2 IS AMENDED TO READ AS FOLLOWS:

865 IAC 1-12-2 Definitions; abbreviations

Authority: IC 25-21.5-2-14

Affected: IC 25-21.5-4-2

Sec. 2. (a) The definitions in this section apply throughout this rule.

(b) "Controlling monument" means any artificial, physical, or record monument called for in a record plat or land title description and controls the location, dimensions, and configuration of the described tract.

(c) “EDM” refers to electronic distance measurements.

~~(b)~~ **(d) “Land surveyor” means:**

(1) a registered land surveyor; or

(2) an individual who is:

(A) an employee or subordinate of a registered land surveyor; and

(B) exempt from licensure under IC 25-21.5-4-2.

(e) “Original survey” means a survey that is executed for the purpose of locating and describing real property that has not been previously described in documents conveying an interest in said real property.

~~(c)~~ **(f) “Registered land surveyor” means an individual who has been registered by the board in the profession of land surveying under IC 25-21.5.**

~~(d)~~ **(g) “Retracement or “record document survey” means a survey of real property which that has been previously described in documents conveying an interest in said real property.**

~~(e)~~ **“Original survey” means a survey that is executed for the purpose of locating and describing real property which has not been previously described in documents conveying an interest in said real property.**

~~(f)~~ **“EDM” refers to electronic distance measurements.**

~~(g)~~ **“tu” refers to theoretical uncertainty.**

~~(h)~~ **“Theoretical uncertainty” refers to theoretical uncertainty of measurements.**

~~(i)~~ **“Theoretical uncertainty of measurements” means the radius of a circle, which circumscribes an area, which contains the probable true location of a specified point.**

(h) “Right-of-way” means that land taken by either easements or fee simple title for the linear routes identified in subsection (i).

~~(j)~~ **(i) “Route survey” refers to surveys executed for the purpose of acquiring an interest in the tracts of land required for highways, railroads, waterways, pipelines, electric lines, or any other linear transportation or utility route. It does not include surveys executed for acquisition parcels that are of even width and immediately adjacent to an existing title, easement, or right-of-way line and do not require a property survey in order to prepare an accurate legal description for the parcel. Route surveys are not considered either original surveys or retracement surveys.**

~~(k)~~ **“Right-of-way” means that land taken by either easements or fee simple title for the linear routes identified in subsection (j).**

~~(l)~~ **“Controlling monument” means any artificial, physical, or record monument called for in a record plat or land title description and controls the location, dimensions, and configuration of the described tract.**

~~(m)~~ **(j) “Subdivision plat” means a plat of subdivision of land prepared in accordance with state plat statutes or local subdivision regulations, or both.**

(k) “Theoretical uncertainty” refers to theoretical uncertainty of measurements.

(l) “Theoretical uncertainty of measurements” means the radius of a circle, which circumscribes an area, that contains the probable true location of a specified point.

(m) “Theory of location” means the establishment of the survey corners, in accordance with federal laws, including 43 U.S.C. 751 through 43 U.S.C. 775, state and local laws, together with court precedent.

(n) “tu” refers to theoretical uncertainty. (State Board of Registration for Land Surveyors; 865 IAC 1-12-2; filed Jun 21, 1988,

4:05 p.m.: 11 IR 3909; errata filed Feb 5, 1990, 4:15 p.m.: 13 IR 1189; filed Jul 17, 1991, 4:30 p.m.: 14 IR 2240; filed Oct 13, 1992, 5:00 p.m.: 16 IR 885; filed Oct 14, 1993, 5:00 p.m.: 17 IR 408; readopted filed May 22, 2001, 9:55 a.m.: 24 IR 3237) NOTE: 864 IAC 1.1-13-2 was renumbered by Legislative Services Agency as 865 IAC 1-12-2.

SECTION 3. 865 IAC 1-12-3 IS AMENDED TO READ AS FOLLOWS:

865 IAC 1-12-3 Surveyor responsibility

Authority: IC 25-21.5-2-14

Affected: IC 25-21.5-4-2; IC 25-21.5-7-3

Sec. 3. (a) A registered land surveyor shall be personally responsible for planning and supervising the training, procedures, and daily activities of the nonregistered employees or subordinates involved in the surveys who are acting as exempt persons under IC 25-21.5-4-2. These activities will include, but not necessarily be limited to, the following:

- (1) Client contact.
- (2) Research.
- (3) Collection of field data.
- (4) Note reduction.
- (5) Computation.
- (6) Office analysis.
- (7) Drafting.
- (8) Preparation of certificates and reports.

(b) The daily activities by nonregistered employees or subordinates referred to in subsection (a) may not continue during any extended absences of the responsible registered land surveyor unless another registered land surveyor is in responsible charge during the land surveyor's absence.

(c) The procedures followed and the decisions made by persons under the registered land surveyor's supervision shall be regularly and systematically reviewed and approved by the registered land surveyor prior to signing the survey plat.

(d) "Supervision", as used in this section, shall be deemed to require:

(1) such control by the registered land surveyor that the registered land surveyor can certify that he or she is knowledgeable of, and has reviewed and approved, all actions pertaining to the surveys by persons not licensed who have participated in the survey; and

(2) that all persons participating in the survey shall be regular employees of the registered land surveyor, the registered land surveyor's employer, or another registered land surveyor.

~~(e) "Supervision", as used in this section, shall be deemed to require that all persons participating in the survey shall be regular employees of the registered land surveyor, the registered land surveyor's employer, or another registered land surveyor.~~

~~(f) Any (e) In addition to the requirements in IC 25-21.5-7-3, each office of a firm, partnership, or corporation offering to perform land surveys must have a registered land surveyor in charge of the operations, and that registered land surveyor, who must be a full-time employee or principal of the partnership or firm or an officer of the corporation, must have full responsible control of the survey operations. It is essential that This registered land surveyor must maintain regular hours at that office during which he or she can be contacted in person by the public and/or the nonlicensed employees participating in those surveys: adequate for client contact and employee supervision as defined in subsection (d).~~

(f) For purposes of this rule, an individual practices as a principal by being:

(1) a registered land surveyor; and

(2) the individual in charge of the organization's land surveying practice, either alone or with other registered land surveyors.

(g) A registered land surveyor shall not affix his or her seal on any surveying work unless:

- (1) the registered land surveyor personally did the surveying work;
- (2) the surveying work was performed by a nonregistered employee or subordinate following the requirements of subsection (a) or by the employees of another registered land surveyor as allowed by subsection (e); or

(3) the registered land surveyor is certifying additional survey work based on a survey executed according to this rule and certified by a registered land surveyor working on the same project.

(State Board of Registration for Land Surveyors; 865 IAC 1-12-3; filed Jun 21, 1988, 4:05 p.m.: 11 IR 3909; filed Jul 17, 1991, 4:30 p.m.: 14 IR 2240; filed Oct 13, 1992, 5:00 p.m.: 16 IR 886; readopted filed May 22, 2001, 9:55 a.m.: 24 IR 3237) NOTE: 864 IAC 1.1-13-3 was renumbered by Legislative Services Agency as 865 IAC 1-12-3.

SECTION 4. 865 IAC 1-12-5 IS AMENDED TO READ AS FOLLOWS:

865 IAC 1-12-5 Property surveys affected

Authority: IC 25-21.5-2-14

Affected: IC 25-21.5

Sec. 5. ~~All Indiana real property~~ **Retracement** surveys ~~including and original surveys or inspections used in conjunction with mortgage transactions, and all updates or recertifications of previously completed surveys~~ must fully comply with the provisions of this rule except the following:

(1) Surveyor location reports as provided for in sections 27 through 29 of this rule are only subject to sections 1 through 4, 6, and 27 through 29 of this rule.

(2) Construction surveys made for the purpose of marking the limits of existing easements **or rights-of-way** for the construction of improvements within the easement **or rights-of-way** must be executed by a registered land surveyor but are only subject to the provisions of sections 1 through 4 and 6 of this rule.

~~(3) A property survey last certified before January 1, 1990, and less than ten (10) years prior to the current date may be recertified for use in a current real estate transaction by the original registered land surveyor or a registered land surveyor in the same firm who has personal knowledge of the field and office procedures used in the execution of said survey. The recertification must state the following:~~

~~(A) That no survey of the premises was performed other than an inspection by the registered land surveyor or his or her qualified employee;~~

~~(B) That the inspection revealed no substantial change that affects the external boundary or other title that matters from those matters reported on the prior survey;~~

~~(C) That, after reviewing the prior survey plat, the measurement and office procedures used in the execution of that survey, and the current description of the surveyed premises and the adjoining, it is the opinion of the registered land surveyor that, to the best of his or her knowledge, it generally conforms with the standards in this rule.~~

~~Such a recertified survey is not required to be recorded.~~

(3) Delineation or demarcation and placement of stakes or markers for the purpose of constructing fences, buildings, walls, or other improvements on or in close proximity to a land boundary, except for property corner monumentation, are only subject to the provisions of sections 1 through 4 and 6 of this rule provided the land surveyor has found acceptable evidence of the boundary location in accordance with this rule.

(State Board of Registration for Land Surveyors; 865 IAC 1-12-5; filed Jul 17, 1991, 4:30 p.m.: 14 IR 2242; filed Oct 13, 1992, 5:00 p.m.: 16 IR 887; readopted filed May 22, 2001, 9:55 a.m.: 24 IR 3237) NOTE: 864 IAC 1.1-13-5.1 was renumbered by Legislative Services Agency as 865 IAC 1-12-5.

SECTION 5. 865 IAC 1-12-6 IS AMENDED TO READ AS FOLLOWS:

865 IAC 1-12-6 Field notes

Authority: IC 25-31-1-7

Affected: IC 25-31-1

Sec. 6. When conducting an original survey or a retracement ~~or record document~~ survey, the land surveyor shall record in the field notes all pertinent information, measurements, and observations made in the field during the course of a survey in a manner that is clear and intelligible to other land surveyors who may use the information so recorded. *(State Board of Registration for Land Surveyors; 865 IAC 1-12-6; filed Jun 21, 1988, 4:05 p.m.: 11 IR 3910; filed Jul 17, 1991, 4:30 p.m.: 14 IR 2242; readopted filed May 22, 2001, 9:55 a.m.: 24 IR 3237) NOTE: 864 IAC 1.1-13-6 was renumbered by Legislative Services Agency as 865 IAC 1-12-6.*

SECTION 6. 865 IAC 1-12-7 IS AMENDED TO READ AS FOLLOWS:

865 IAC 1-12-7 Measurements for retracement surveys and original surveys

Authority: IC 25-31-1-7

Affected: IC 25-31-1

Sec. 7. (a) When conducting a retracement ~~or record document~~ survey or an original survey, the land surveyor shall be responsible to use the minimum standards of measurement provided for in this section. However, when platting laws set forth technical minimums for original surveys more stringent than those stated in this section, the more stringent standards shall be followed to the extent of the difference.

(b) Measurements generally **shall be:**

(1) ~~shall be~~ obtained with a precision compatible with the type of survey involved and with the size and shape of the parcel involved;

(2) ~~shall be~~ taken with a precision that is consistent with that required by the agreement with the client but may not be less precise than defined in this section; and

(3) ~~shall be~~ shown on the plat with a number of significant figures representative of the precision of the work.

(c) The measurement specifications contained in subsection (d) will apply for all retracement surveys, surveys based on record documents, and original surveys.

(d) The following specifications shall be used for the location of property boundaries with respect to the referenced controlling corners:

| Class of Survey | Theoretical Uncertainty (tu) |
|-------------------|----------------------------------|
| A | plus or minus .10 feet |
| B | plus or minus .25 feet |
| C | plus or minus .50 feet |
| D | plus or minus 1.00 feet |
| E | |
| all other surveys | to be negotiated with the client |

(e) The classes of surveys listed in subsection (d) shall fall into the following sizes:

(1) Class A - Small area wherein dense monument controls exist, as in a downtown commercial area. Lots are typically fifty (50) feet by one hundred (100) feet. Periphery and beginning distance is less than four hundred (400) feet.

(2) Class B - Longest side is typically under two hundred fifty (250) feet and periphery and beginning distance is less than one thousand (1,000) feet.

(3) Class C - Longest side is typically under one thousand (1,000) feet and periphery and beginning distance is less than five thousand (5,000) feet.

(4) Class D - All sides are typically over one thousand (1,000) feet and periphery and beginning distance is less than twelve thousand (12,000) feet.

(5) Class E - The precision of larger surveys shall be negotiated with the client and shall be clearly stated on the plat of survey.

(State Board of Registration for Land Surveyors; 865 IAC 1-12-7; filed Jun 21, 1988, 4:05 p.m.: 11 IR 3910; filed Jul 17, 1991, 4:30 p.m.: 14 IR 2242; readopted filed May 22, 2001, 9:55 a.m.: 24 IR 3237) NOTE: 864 IAC 1.1-13-7 was renumbered by Legislative Services Agency as 865 IAC 1-12-7.

SECTION 7. 865 IAC 1-12-9 IS AMENDED TO READ AS FOLLOWS:

865 IAC 1-12-9 Preliminary research and investigation on retracement surveys

Authority: IC 25-31-1-7

Affected: IC 25-31-1

Sec. 9. When conducting a retracement ~~or record document~~ survey, a land surveyor shall do the following:

(1) Obtain the record description of the parcel to be surveyed as well as the record description of the adjoining properties as necessary to reveal any gaps or overlaps with the adjoining properties.

(2) Obtain copies of any recorded subdivision plats that relate to the survey.

(3) Obtain from public offices, copies of any maps, documents, and field notes that relate to the survey.

(4) Obtain copies of data that relate to the survey that are available from known private sources.

(State Board of Registration for Land Surveyors; 865 IAC 1-12-9; filed Jun 21, 1988, 4:05 p.m.: 11 IR 3912; filed Jul 17, 1991, 4:30

p.m.: 14 IR 2244; readopted filed May 22, 2001, 9:55 a.m.: 24 IR 3237) NOTE: 864 IAC 1.1-13-9 was renumbered by Legislative Services Agency as 865 IAC 1-12-9.

SECTION 8. 865 IAC 1-12-10 IS AMENDED TO READ AS FOLLOWS:

865 IAC 1-12-10 Field investigation for retracement surveys

Authority: IC 25-31-1-7

Affected: IC 25-31-1

Sec. 10. When conducting a retracement ~~or record document~~ survey, a land surveyor shall do the following:

- (1) Search for controlling physical monuments and, when found, weigh their reliability.
- (2) Search for and locate monuments that:
 - (A) reference missing control monuments; and
 - (B) substantiate control monuments that have been obliterated.
- (3) Search for and locate other monuments and real evidence ~~which that~~ are necessary to the survey.
- (4) Investigate possible parol evidence supporting the positions of obliterated control monuments and obtain the necessary ~~affidavit(s)~~ **affidavit or affidavits** from individuals involved.
- (5) Obtain necessary measurements to correlate all found evidence, including the relationship to adjoining properties.
- (6) Obtain sufficient check measurements to satisfactorily verify the work.
- (7) Locate physical evidence of possession between adjoining owners, make comments on possible age of possession, **and** verify age by parol evidence if possible.
- (8) Survey field notes shall be in the form required by section 6 of this rule.

(State Board of Registration for Land Surveyors; 865 IAC 1-12-10; filed Jun 21, 1988, 4:05 p.m.: 11 IR 3912; filed Jul 17, 1991, 4:30 p.m.: 14 IR 2244; readopted filed May 22, 2001, 9:55 a.m.: 24 IR 3237) NOTE: 864 IAC 1.1-13-10 was renumbered by Legislative Services Agency as 865 IAC 1-12-10.

SECTION 9. 865 IAC 1-12-11 IS AMENDED TO READ AS FOLLOWS:

865 IAC 1-12-11 Surveyor conclusions in retracement survey

Authority: IC 25-21.5-2-14

Affected: IC 25-21.5

Sec. 11. When conducting a retracement ~~or record document~~ survey, a land surveyor shall do the following:

- (1) Make any necessary computations to verify the correctness of measurements obtained.
- (2) Make any necessary computations to determine and verify the position of the monuments, adjoining properties, and any parol evidence.
- (3) Evaluate the evidence.
- (4) In the event of the discovery of a material disagreement with the work of another surveyor, attempt to contact the other surveyor and investigate the disagreement.
- (5) Apply the ~~proper~~ theory of location ~~in accordance with law or a precedent, and finalize the establishment of the survey corners.~~ **as defined in section 2 of this rule.**
- (6) Set any final monuments required by section 18 of this rule.

(State Board of Registration for Land Surveyors; 865 IAC 1-12-11; filed Jun 21, 1988, 4:05 p.m.: 11 IR 3912; filed Jul 17, 1991, 4:30 p.m.: 14 IR 2245; filed Oct 13, 1992, 5:00 p.m.: 16 IR 888; readopted filed May 22, 2001, 9:55 a.m.: 24 IR 3237) NOTE: 864 IAC 1.1-13-11 was renumbered by Legislative Services Agency as 865 IAC 1-12-11.

SECTION 10. 865 IAC 1-12-12 IS AMENDED TO READ AS FOLLOWS:

865 IAC 1-12-12 Publication of retracement survey results

Authority: IC 25-21.5-2-14

Affected: IC 25-21.5

Sec. 12. (a) When conducting a retracement ~~or record document~~ survey or an original survey, a registered land surveyor shall do the following:

- (1) Furnish the client with a written surveyor's report ~~which, that~~ in addition to other pertinent data, **explains the theory of**

location applied in establishing or retracing the lines and corners of the surveyed parcel and gives the registered land surveyor's professional opinion of the cause and the amount of uncertainty in ~~the those~~ lines and corners ~~found or established by the survey~~ because of the following:

- (A) Availability and condition of reference monuments.
- (B) Occupation or possession lines.
- (C) Clarity or ambiguity of the record description used ~~and/or~~ **or** adjoiner's descriptions, **or both**.
- (D) The theoretical uncertainty of the measurements.

(2) Record the plat of survey and the associated surveyor's report in the county recorder's office in the county where the property is located when:

- (A) a new tax parcel ~~is will be created by~~ **based on** the survey;
- (B) a survey of an unsubdivided tract or a portion of a subdivided lot has not been previously recorded;
- (C) if, in the registered land surveyor's opinion, a survey of a whole subdivided lot or lots is substantially at variance with the subdivision plat, previously recorded surveys, ~~or the~~ monuments, or evidence of possession;
- (D) if, in the registered land surveyor's opinion, the monuments, monument witnesses, evidence of possession, or description is not consistent with the last recorded survey of the parcel;
- (E) it is required by law; or
- (F) the plat of survey contains a new subdivision plat that will subsequently be recorded and must be cross-referenced to the previously recorded survey plat.

(b) The recorded plat of survey shall show the name of the owner of the property on the recorded plat of survey according to the county tax records at the time the survey is recorded and shall be cross-referenced to the latest record plat of survey of the property, if any is found.

(c) The plat of survey and the associated surveyor's report shall be recorded:

(1) in the case of an original or retracement survey (not previously recorded) ~~which that~~ contains a proposed new subdivision plat, prior to recording the new subdivision plat; or

(2) in the case of retracement or original surveys not described in subdivision (1):

- (A) within three (3) months of the survey certification date; or
- (B) within three (3) years and three (3) months of the survey certification date in those instances where the client signs an objection, which must contain the following statement:

"I, the undersigned, hereby request that the following identified survey, certified to me":

(Indicate one (1) or both of the following:)

(i) Shall not be recorded for a period of three (3) years and three (3) months from the date of certification.

(ii) Shall not contain the name of the undersigned client on the survey recorded.

Signed: _____

Date: _____

Certifying Surveyor:

Certificate Date:

Job Number:

Brief Description:

A copy of the signed statement shall be kept with the land surveyor's file.

(d) Nothing contained in this rule shall require the registered land surveyor to furnish any survey documents to the client ~~nor or~~ record them unless the client has satisfied the terms of the surveying engagement.

(e) Nothing contained in this rule shall prevent the registered land surveyor from furnishing a pro forma copy of the survey to the client for use until the certified survey is requested **provided the survey is clearly marked "PRO FORMA SURVEY"**. (*State Board of Registration for Land Surveyors; 865 IAC 1-12-12; filed Jun 21, 1988, 4:05 p.m.: 11 IR 3912; filed Jul 17, 1991, 4:30 p.m.: 14 IR 2245; filed Oct 13, 1992, 5:00 p.m.: 16 IR 889; errata, 16 IR 1188; readopted filed May 22, 2001, 9:55 a.m.: 24 IR 3237*)
NOTE: 864 IAC 1.1-13-12 was renumbered by Legislative Services Agency as 865 IAC 1-12-12.

SECTION 11. 865 IAC 1-12-13 IS AMENDED TO READ AS FOLLOWS:

865 IAC 1-12-13 Retracement survey plats

Authority: IC 25-21.5-2-14

Affected: IC 25-21.5

Sec. 13. When conducting a retracement ~~or record document~~ survey, a registered land surveyor shall furnish the client with the surveyor's report and a copy of the plat of survey of the premises drawn to an appropriate scale in such a manner that the data shown will be clearly legible when the plat is reduced to sheets suitable for recording ~~which that~~ are no larger than eleven (11) inches by seventeen (17) inches and no smaller than eight and one-half (8½) inches by eleven (11) inches. The plat of survey shall show the following information at a minimum:

- (1) The client's name, date of the fieldwork, surveyor's file number, and the name, address, signature, and registration number of the surveyor responsible for the work.
- (2) Record document description of the parcel surveyed and any new, modified, or consolidation description with an explanation in the surveyor's report as to why the new description was done, together with a statement regarding the location of the new description relative to the record description. If necessary to define the location, a vicinity map shall be provided.
- (3) North arrow, area, and scale, including a graphic scale.
- (4) Angles or bearings. When bearings are shown, their basis shall be indicated.
- (5) All pertinent dimensions. On dimensions other than those measured, sufficient notations shall be used to identify their source, such as the following:
 - (A) Recorded measurement (Rec).
 - (B) Calculated from record values (Calc. Rec.).
- (6) All pertinent monuments, with a notation indicating which were found and which were set, including those required to be set by section 18 of this rule, identified as to their character, size, and location including their location relative to the surface of the ground. Found monuments shall be accompanied by a reference to their origin when it is known. Where there is no available documented reference, it shall be noted on the plat.
- (7) The location of all monuments and physical evidence of possession on or beyond the surveyed premises on which establishment of the corners of the surveyed premises are dependent.
- (8) Any physical evidence of possession appurtenant to either the surveyed premises or the adjoining property that is on, near, or across any exterior boundary of the premises, or depicted interior setback or easement line on the premises that may have been a factor in the location of such line. Show the location by the shortest distance to such line. Failure to show any such evidence will be taken to indicate that there was none.
- (9) Any lakes, streams, known legal drains, or legal drain easements on or within seventy-five (75) feet of the surveyed premises. A detailed location, **based on applicable statutes and rules**, is required when a boundary or easement is determined thereby.
- (10) Any evidence of use of the surveyed premises by others.
- (11) Adjoining parcels identified by title description or record reference. Map delineation must be such that contiguity, gaps, and overlaps with adjoining parcels are clearly shown. Show only the portion of adjoining tracts relevant to the location of the surveyed tract. Gaps and overlaps on the perimeter of the survey shall be dimensioned. Gaps and overlaps interior to the surveyed parcel shall be depicted, but must be dimensioned only if the client requests.
- (12) Any easements or setback lines affecting the survey ~~which that~~ were created by a subdivision plat unless they are omitted at the request of the client. It must be noted on the plat of survey if they are omitted for this reason.
- (13) Any other easements or setback lines affecting the survey, as required, and when documentation is furnished by the client.
- (14) Show zoning ordinance classification references according to documentation provided by the client. Any other zoning ~~classification data use certifications~~ shall be limited to those facts that can be counted or measured.
- (15) Sufficient data to clearly indicate the theory of location applied in finalizing the locations of the corners, any data at variance with this theory of location, **and** sufficient data to allow the retracement without difficulty of all pertinent lines and corners shown on the plat.
- (16) A certificate stating that the survey was performed wholly or in part (state which part) by or under the direction of the registered land surveyor, and to the best of the registered land surveyor's knowledge and belief was executed according to survey requirements in this rule. This certificate shall bear the signature, registration number, and seal of the registered land surveyor and date of the certificate.

(State Board of Registration for Land Surveyors; 865 IAC 1-12-13; filed Jun 21, 1988, 4:05 p.m.: 11 IR 3913; filed Jul 17, 1991, 4:30 p.m.: 14 IR 2246; filed Oct 13, 1992, 5:00 p.m.: 16 IR 889; readopted filed May 22, 2001, 9:55 a.m.: 24 IR 3237) NOTE: 864 IAC 1.1-13-13 was renumbered by Legislative Services Agency as 865 IAC 1-12-13.

SECTION 12. 865 IAC 1-12-14 IS AMENDED TO READ AS FOLLOWS:

865 IAC 1-12-14 Original survey preliminary research

Authority: IC 25-21.5-2-14

Affected: IC 25-21.5

Sec. 14. When conducting an original survey, a land surveyor shall do the following:

- (1) Obtain or prepare the documents establishing the intended position of the lines to be created by the original survey, such as:
 - (A) client's approved sketch;
 - (B) instructions defining the lines; and
 - (C) tentative subdivision map.
- (2) Obtain copies of the laws regulating division of property that govern in the area in which the property is located.
- (3) Survey the parcel upon which the original survey is to be based, or such portion thereof as is relevant to the proposed work. This work ~~should~~ **must** be in accordance with ~~the procedural standards for retracement surveys as set forth in section 13 of this rule.~~ Any conflicts or gaps between the lines of the retracement survey and the adjoining lines that affect newly created tracts must be clearly depicted on the original survey, showing which of the new tracts are affected and to what extent.
- (4) Conduct field surveys to determine the location of planimetric or topographic features that are to control the intended position of the lines being created.

(State Board of Registration for Land Surveyors; 865 IAC 1-12-14; filed Jun 21, 1988, 4:05 p.m.: 11 IR 3914; filed Jul 17, 1991, 4:30 p.m.: 14 IR 2247; filed Oct 13, 1992, 5:00 p.m.: 16 IR 890; readopted filed May 22, 2001, 9:55 a.m.: 24 IR 3237) NOTE: 864 IAC 1.1-13-15 was renumbered by Legislative Services Agency as 865 IAC 1-12-14.

SECTION 13. 865 IAC 1-12-18 IS AMENDED TO READ AS FOLLOWS:

865 IAC 1-12-18 Original and retracement survey monumentation

Authority: IC 25-21.5-2-14

Affected: IC 25-21.5

Sec. 18. (a) When conducting a retracement ~~or record document~~ survey or an original survey, a registered land surveyor shall be responsible to set monuments in accordance with the following:

- (1) ~~Generally, Except as provided in subdivision (7), a monument, as defined in subdivisions (2) through (6), shall be set at every lot or parcel corner being surveyed including the interior lots of a subdivision. Corners to be set include the beginning and end of curves and the intersection of lines on the perimeter of all original or retracement surveys; including new subdivision plats; shall be marked with physical monuments that are of a type and character, and set in a manner providing a degree of permanency, consistent with the terrain, physical features, intended use, and character of the corner being marked. A sufficient number of monuments must be set to facilitate the complete reestablishment of the survey even if a substantial number of the monuments are disturbed or destroyed: except where the setting of a monument near another monument would cause confusion. Further, a monument is not required to be set if there is an existing monument at the corner that is within the limits of theoretical uncertainty for the class of survey being performed.~~
- (2) Monuments set in unpaved locations shall be five-eighths ($\frac{5}{8}$) inch diameter or larger iron or steel ~~rebars rods, reinforcement bars, or galvanized pipes weighing a minimum of one (1) pound per foot and being at least twenty-four (24) inches long and set with not less than eighteen (18) inches below grade.~~ Other monuments may be used if they are made of material of similar ~~or greater durability, which includes an element that can be found by a device capable of detecting ferrous or magnetic objects.~~ Such monuments shall have a substantial plastic or metal cap permanently affixed thereto showing the registered land surveyor's professional license number and/or the name or identification number of the land surveying firm or government agency: ~~size, and character and can be found by a device capable of detecting ferrous or magnetic objects.~~
- (3) Where practical, monuments in ~~paved locations~~ **pavement** shall be set according to the requirements contained in subdivision (2). ~~However, when it is not practical to set a monument in accordance with subdivision (2), then a two (2) inch or longer, one-fourth ($\frac{1}{4}$) inch or larger diameter, magnetic concrete nail, or similar magnetic monument, shall be set.~~
- (4) Survey points, where Monuments as defined in ~~set under~~ subdivision (2) or (3) cannot readily be set, must be marked by a drill hole, cut cross, notch, railroad spike, or other similar permanent mark and referenced to any nearby witness monuments or permanent objects; such as building foundations or concrete head walls: ~~shall have a substantial plastic or metal tag or cap permanently affixed showing the registered land surveyor's surname and professional license number or board issued firm/agency identification number.~~
- (5) ~~Any comparable or better~~ Where monuments required by more stringent local ordinances shall ~~as defined in subdivision (2) or (3) cannot be set, the survey points must be marked by a drill hole, cut cross, notch, or other similar permanent mark and referenced to any nearby witness monuments or permanent objects, such as building foundations or concrete head walls.~~
- (6) Monuments required by local ordinances shall be set provided they meet or exceed the requirements in subdivisions

(2) and (3).

~~(6) When conditions warrant setting~~ **(7) Except at interior lot corners not adjoining a street right-of-way line, where it is not possible or practical to set a monument at the survey point, then a monument on an shall be offset and the location shall be selected so that the monument lies on a line of the survey or on a prolongation of such line. Offset monuments shall be identified as such on the plat and, if possible, in the field. However, if existing monuments fall within the theoretical uncertainty of the survey, a monument will not be required to be set.**

~~(7) (8) If recovery of the monument would be difficult due to the topography or other features of the land, the monuments shall be witnessed or referenced in such a manner that will facilitate the their recovery. of the monuments by surveyors.~~

~~(8) (9) Monuments shall be marked, such as ribbon, paint, or lath, to facilitate the recovery of the monument by the client.~~

(10) It shall be the responsibility of the land surveyor certifying the subdivision plat to set all monuments required by this section in a new subdivision.

(b) Subsection (a)(2) through (a)(3) shall apply only to monuments set after ~~Deeter 31, 1991~~. **Monuments shall be set prior to providing the client with the survey documents required by this rule. However, in the case of new subdivisions where, in the opinion of the surveyor, it is probable the individual lot monuments will be disturbed by construction, only the perimeter of the subdivision, or section thereof, must be monumented prior to recordation. In this situation, the setting of the individual lot monuments may be delayed until no later than:**

(1) after construction is complete (including buildings); or

(2) two (2) years after recordation of the subdivision plat, or if the subdivision is platted by sections after recordation of each section;

whichever occurs first. In new subdivisions, if monuments are to be set prior to recording, then the placement of monuments shall be shown on the plat subdivision. If monuments are to be set after construction is complete, the surveyor shall record an affidavit, cross-referenced to the recorded plat, showing which monuments were set and which were found, the dates the monuments were set or found, together with a certification that states to the best of the surveyor's knowledge and belief the information contained in the affidavit is true and correct. Nothing in this subsection shall be construed to require the surveyor to wait until construction is completed to place monuments.

(c) A surveyor is not required to replace or restore any monument that has been moved, disturbed, or destroyed after its original placement.

~~(c) Any~~ **(d) Identification numbers, other than registered land surveyor's registration numbers, used by a land surveying firm or government agency under subsection (a)(2) or (a)(3) must be assigned and authorized for use by the state board of registration for land surveyors upon written request. Request for firm or agency numbers must be in writing on forms provided by the board. (State Board of Registration for Land Surveyors; 865 IAC 1-12-18; filed Jun 21, 1988, 4:05 p.m.: 11 IR 3914; filed Jul 17, 1991, 4:30 p.m.: 14 IR 2248; filed Oct 13, 1992, 5:00 p.m.: 16 IR 891; readopted filed May 22, 2001, 9:55 a.m.: 24 IR 3237) NOTE: 864 IAC 1.1-13-19 was renumbered by Legislative Services Agency as 865 IAC 1-12-18.**

SECTION 14. THE FOLLOWING ARE REPEALED: 865 IAC 1-10-23; 865 IAC 1-10-24.

Notice of Public Hearing

Under IC 4-22-2-24, notice is hereby given that on October 10, 2003 at 10:00 a.m., at the Indiana Government Center-South, 402 West Washington Street, Training Center Room 12, Indianapolis, Indiana the State Board of Registration for Land Surveyors will hold a public hearing on proposed amendments to amend 865 IAC 1-7-3 to revise what a registered land surveyor may include in the registrant's plans, to repeal 865 IAC 1-10-23 and 865 IAC 1-10-24, and to amend 865 IAC 1-12 to revise the standards for the competent practice of land surveying. Copies of these rules are now on file at the Indiana Government Center-South, 302 West Washington Street, Room E034 and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.

Gerald H. Quigley
Executive Director
Professional Licensing Agency