

MEMORANDUM OF UNDERSTANDING
BETWEEN
THE COLORADO STATE BOARD OF LICENSURE FOR ARCHITECTS, 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 supersedes any and all prior agreements or memoranda of understanding between the Colorado Department of Transportation ("Department") and the Colorado Board of Licensure for Architects, Professional Engineers and Professional Land Surveyors ("Board") and its predecessors, including the Memorandum of Understanding executed on July 1, 1985 and amended January 13, 1995.

Definitions

1. "Aliquot Corner," as defined by C.R.S. § 38-51-102(2), 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 C.R.S. § 38-51-103 and the "United States Department of the Interior, 2009 Manual of Surveying Instructions: For the Survey of the Public Lands of the United States."
2. "Preliminary Survey" means a land survey conducted by or for the Department 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 C.R.S. § 12-25-202(6)).
3. "Land Survey," as defined in C.R.S. § 38-51-102(11), means a series of observations and measurements made pursuant to C.R.S. §§ 38-51-103, 38-51-104 and 38-51-105 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 C.R.S. § 38-51-106.
5. "Right of Way Marker" means a monument set by the Department used to define the Colorado State Transportation boundaries in the field (as per C.R.S. § 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 C.R.S. § 38-51-102(14), means a written and illustrated document describing the physical appearance of a bench mark or survey monument and its accessories.
7. "Irregular Parcel," as defined by C.R.S. § 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 as per C.R.S. § 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 C.R.S. § 38-51-106.
10. "Written property description" means a description of the location of a property surveyed which meets the requirements of C.R.S. § 38-51-106(1)(i) and may contain a reference to a recorded legal description.

Compliance with Colorado Revised Statutes

The provisions of Articles 50, 51, 52 and 53 of Title 38, and Part 2 of Article 25 of Title 12 of the Colorado Revised Statutes, as amended, apply to the Department's practice of land surveying. It is the intent of this memorandum to bring the Department into full compliance with Colorado statutes and the Board Bylaws, Rules, and Policies. The Department 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 C.R.S. §§ 38-51-104 and 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 Board as required by C.R.S. § 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 C.R.S. § 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 C.R.S. §§ 38-50-101 and 38-51-107.
8. Right of way plans shall be deposited in the appropriate county office in accordance with C.R.S. §§ 38-50-101 and 38-51-107 within twelve months after the date the monument is accepted in the field by a professional land surveyor performing a monumented land survey or is set by a professional land surveyor.
9. Maintaining historical data on all land surveys and R.O.W. plans made by the Department.

Further Understanding

1. The Department shall comply with C.R.S. § 38-51-104(1)(a), which requires: "The corners of lots, tracts, or other parcels of land, aliquot corners not described in subsection (4) of this section, 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, be marked by reasonably permanent markers solidly embedded in the ground." The Department shall further comply with C.R.S. § 38-51-104(1)(b), which states: "A durable cap bearing the registration number of the professional land surveyor responsible for the establishment of the monument shall be affixed securely to the top of each such monument embedded pursuant to this subsection (1)." The Department recognizes C.R.S. § 38-51-107(2): "No plat shall be required to be prepared or deposited if the monuments accepted or set are within a platted subdivision that was filed in the clerk and recorder's office within the previous twenty years."
2. The Board acknowledges the Department'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'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 LICENSURE FOR
ARCHITECTS, PROFESSIONAL ENGINEERS
AND PROFESSIONAL LAND SURVEYORS

BY: 
William Starker
Board Chair

Date: 9-19-2011

STATE OF COLORADO
DEPARTMENT OF TRANSPORTATION

BY: 
For the Executive Director

Date: 11-25-11