

DEPARTMENT OF COMMERCE

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BOARD OF ENGINEERING EXAMINERS

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ROBERT W. STRAUB  
GOVERNOR

April 19, 1976

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Executive Secretary

Mr. Greg T. Blackman, P.L.S.  
P.O. Box 670  
La Grande, OR 97850

Dear Mr. Blackman:

During its April 9th meeting the Board of Engineering Examiners unanimously voted to accept the recommendation of the Board's Law Enforcement Committee that the complaint against you concerning the La Grande Municipal Airport survey was not valid and that the complaint be dismissed. The Board appreciates the cooperation that you provided in documenting in detail the circumstances surrounding your survey.

We are temporarily retaining the aerial photographs and maps that you submitted but will return them to you within the next 30 to 45 days. Should you need them prior to that time, please let us know.

Sincerely yours,

*Paul D. Christerson*  
Paul D. Christerson, P.E.  
Executive Secretary

PDC:ep

cc: D. Dale Mammen

<b>UNION COUNTY SURVEYOR</b>	
Date Received	_____
Date Filed	12/12/90
By	<i>Greg Blackman</i> NARRATIVE
File No.	Drawer 1/17

IN THE GRANDE RONDE VALLEY • THE BLUE MOUNTAINS • NORTHEASTERN OREGON

(503) 963-7161 P. O. BOX 670

*La Grande, Oregon*  
97850

March 10, 1976

Paul D. Christerson, P.E.  
Executive Secretary  
Board of Engineers Examiners  
4th Floor  
Labor & Industries Bldg.  
Salem, Oregon 97310

RE: La Grande Municipal Airport  
Survey, Twp. 3S-R38 E W.M.

Dear Mr. Christerson:

I was a little surprised, to say the least, to receive your inquiry on my survey in T3S-R38 E.W.M. I would have assumed that the County Surveyor, Jim Voelz, would have brought out this question when the plat was filed and he checked it over, or that he would have filed it under protest.

I will try to answer the inquiry to the best of my ability step by step.

(1) The question accepting the fence lines and township lines as the true section line, or in this case, the range line.

As you all know, range lines and township lines were run by the original surveyors prior to breaking up the township into sections. The corners set on these lines were used to close upon by the surveyor. The original surveyor did not indicate any deviation in bearing on this particular range line. The notes do not indicate that there was a lot of trees or things to block the original surveyor's line of sight. Therefore, it is my opinion and the opinion of my consultant, Duane I. Griffith, P.L.S. #644, that the original surveyor established his line and then picked out a long line of sight (as you can see for miles and miles across the valley floor), then continued on this line setting his corners as he went. It just makes sense that any competent surveyor that has anything on the ball at all would employ this aid when it presents itself. With the idea that the original surveyor was striving to achieve a straight range line, as they are required to be, it follows that the retracement line should be straight.

My range line is then based upon a single proportional measurement between the  $\frac{1}{4}$  corner on the range line between Sections 13 and 18, and the  $\frac{1}{4}$  corner on the range line between Sections 36 and 31. This was not done simply because these were fence lines, but because they were established corners by James G. Voelz in Registered Surveys #10-72 and #12-62 respectively. I assume, being a professional surveyor, that Mr. Voelz has established these on the basis of good evidence. The  $\frac{1}{4}$  corner to Sections 13 and 18 was evidently taken on the basis of J.E. Anson's word. Mr. Voelz calls a pipe at the  $\frac{1}{4}$  corner to Sections 36 and 31. He doesn't say he set it, so I assume he found it and used it in what may or may not have been a double proportion of the southeast corner of this township; you can't tell by his map. Mr. Voelz showed me this monument himself and told me that it was a good corner. At any rate, these are called monument of record and I have documented them as such. You will note that the distance between the northeast corner of Section 13 and the  $\frac{1}{4}$  corner between Sections 13 and 18 is 2,655.70 feet, and that the proportioned distance to the Section corner to the south or southeast corner of Section 13 is 2,654.78 feet, or a total of 0.92 of a foot difference. To me, this is quite favorable and harmonious with other lines.

As for the fences themselves, I have taken the liberty to send you a full-blown topographic map (Exhibit "A" - 2 sheets) that I had prepared for the F.A.A. showing the agricultural leases at the municipal airport. All of the fence lines were tied in and the distances and bearings computed. You will note that the fence along the range line in at least two places jogs east and west at least 23-24 feet. This is located on the east end of the East-West Taxiway, Numbered 7-25 (see aerial photo to orient this location).

The fence going north along the range line from the approximate location of the east  $\frac{1}{4}$  corner of Section 24 is a metal fence post fence of fairly new vintage, and the fence going south out of the southeast corner of Section 24 only extends at the most 1,000 feet before a new metal fence continues. The enclosed aerial photo (also see Exhibit "C") shows very obviously that the new metal fence did not exist in 1972, and is hardly old enough to constitute a section line as collateral evidence. I accepted this fence line as a fence of convenience which is clearly shown on the photo, as all of the south field is cultivated into both ranges. You will also note that on the topographic map (Exhibit "A") the fence line is located on the south right-of-way line of Bond Lane and also has a north-south jog of at least 15 feet. You will also note on my registered survey, the south right-of-way fence line along Airport Road has a substantial jog in the line (in excess of 15-16 feet), and also weaves back and forth with the widening of the road (where there are cuts and fills).

I hope that you will concede that substantial consideration was given to these fence lines, and that I know a good deal about where they are located, probably more than they warranted. I

wonder which fence the complaintant would choose and on what grounds. I have enclosed two articles which were written in the "Oregon Surveyor" concerning fence line surveys, one written by Curtis M. Brown and the other by Bert Mason. I have taken the liberty to hi-lite some of the article for your quick reading. I hope you will take the time to read these interesting articles, and then possibly send them along to the complaintant. I feel that perhaps much of the land located between the section line and the fence line has ripened into fee title, however, as a surveyor it is not my duty nor is it my responsibility to tell someone he owns this excess or deficiency. This is for a Court of Law to decide and is not a decision of the surveyor. We are to present the facts as they exist to the best of our professional ability.

(2) The north line of Section 24 was located by the following method:

The section corner common to Sections 14, 15, 22, 23 was a known monument as documented by the County Surveyor, James Voelz, in Survey #89-71, the corner is called to be a railroad spike reference corner. By single proportional measurement, I established the northeast corner of Section 24 on the range line. The original notes do not indicate a change in bearing on this line, so therefore, I drove a straight line from section corner to section corner. This is correct procedure according to the Manual of Surveying Instructions, however, the manual does call for a double proportional measurement on this corner, as well as the southwest corner of Section 24. The only question I have is how can we do this? The nearest known section corner is the northwest corner of Section 1, clear up on the north township line, 3 miles north and I know of no section corner to the south even on the township line. There are no corners on the township line going west that I know of. Also with reference to Map of Survey #12-62, the position of the southeast corner of this township is somewhat questionable, as the method of establishment was not stated. There is a question in my mind whether this corner was set by proportionate measurement or was the original corner found. The survey plat does not state which. I did have two surveys that called the centerline of Pierce Lane as the section line between 23 and 24. Both surveys are by the County Surveyor, James Voelz, and are numbered as Survey #50-70 and Survey #27. Survey #27 shows 2" pipes set in the right-of-way line, but I did not find them after several days of searching. I chose splitting the right-of-way of Pierce Lane of the fore-mentioned surveys and in the interest of harmony of these surveys and the fact that a corner proportioned from township line to township line would not have positioned the section corner as harmoniously as splitting the right-of-way and intersecting the north section line. As far as I am concerned, both of the aforementioned surveys have stated that the section line is located on the centerline of the county road. The surveyor says so on his plat. The northwest corner of Section 24 was therefore set by intersecting the north section line and the projection of

the centerline of Pierce Lane, referred to on Survey #50-70 as County Road, and placing the corner at the intersection. The northwest corner of Section 24 would fall 8 feet, more or less, east of the centerline by proportionate distance, when driving a line south from the northwest corner of Section 1, Township 3S, Range 38 E.W.M. The aforementioned method was considered in establishing the west line of Section 24, as you can see, there is not a lot of difference in the position of the new corner considering a proportion of three miles. I have taken the liberty to send you a copy of another topographic survey of the intersection at Pierce Lane and Bond Lane (Exhibit "B"), this drawing illustrates the fence problems as well as the problem of offset roads and generally the hodge-podge of fencing and misalignment of roads, making it even more difficult to make an intelligent as well as professional decision. It is true that both roads on the north line are fenced, however, the complainant does not bother to explain that Bond Lane to the west of Section 24 does not line up with Bond Lane along the north line of Section 24. In addition to Exhibit "B", this fact is borne out by the U.S.G.S. quad sheet. This quad sheet shows enough of an offset to show up on a map of a scale of 1"=24,000. Upon examination of the enclosed aerial photo, you will note quite an offset in the two roads. Which road should be chosen to govern this line?

The south line of Section 24 was intersected using the centerline of Pierce Lane as called in Surveys #27 and #50-70, as previously explained concerning the northwest corner of 24, however, the original notes showed a 9 minute variation in this line, which I applied. Again, I agree that the manual calls for a double proportionate measurement on this corner, however, the nearest known section corner is located on the range line common to Range 37E and 38E, five miles away and behind a mountain. I hold the opinion, as does my consultant, Duane I. Griffith, that a proportion of this size would probably ruin the harmony of the area. Hence, I tried to preserve the harmony with the aforementioned surveys.

The complainant charges that I have flagrantly violated the rules of surveying. I disagree, as does my consultant. Sometimes a surveyor must prevail upon past experience and his surveying skill, as well as his common sense. I believe that you can see it would have been easy to pick a fence corner somewhere and just begin surveying. As Mr. Curtis Brown states, this is indeed shortsighted, as a surveyor is then stating that he is the judge and jury and is in effect deciding title lines, rather than addressing himself to a retracement survey. I feel that I have presented the facts as they exist and have informed the City of La Grande of the existing conditions, which is what a surveyor is supposed to do.

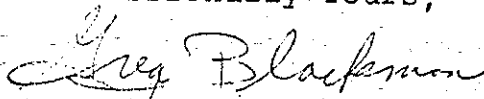
My survey was not done without a great deal of thought and consideration of many facts. I would rather take a fence line that followed a metes and bounds survey reasonably close as evidence, than a fence line along a section line. It has been my experience (around here, anyway), that when true section corners are located, more times than not the fence lines were not on the section lines. Fifty or sixty feet off line are not uncommon. And it is my opinion that the early property owners did not in fact know, nor did they particularly care, exactly where the section corners were located, let alone preserve them. How many corners have you know to be carried off to put in a fence jack, or fraudulently moved? I have known of at least two fraudulent corners found just last summer around here. Had these corners been recognized and protected, we would not have the problem of retracement we have now.

In closing, I hope you concur that I have presented substantial evidence to back up my survey. The evidence is overwhelming against the fence line survey that the complaintant advocates should prevail in this case. Somehow being a fence line surveyor leaves me a little cold, and I cannot bring myself to do it without substantial evidence that the fence is correct.

I hope my comments have cleared up any questions you may have had on this survey. If you wish, my consultant, Duane I. Griffith; City Engineer, Bill Hamilton; and myself will meet with you and discuss any further questions you may have concerning this survey or other surveying problems in Union County.

I would like to request that you return the exhibits collect, as they are part of the City records and we want to keep them. I would have sent you copies of the exhibits, but our reproduction facilities would not do the job. Thank you.

Professionally Yours,



Greg Blackman  
P.L.S. #991

GB/tw  
attachments

# 5003



# DEPARTMENT OF COMMERCE

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ROBERT W. STRAUB  
GOVERNOR

March 3, 1976

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Executive Secretary

Mr. Gregory T. Blackman, P.L.S.  
502 First Street  
La Grande, OR 97850

Dear Mr. Blackman:

A complaint has been received charging irregularities in your survey of property at or near the La Grande Airport. Your title block shows the survey to be of T3S, R38E, W.M., La Grande Municipal Airport, dated January 3, 1974.

The nature of the complaint is explained in the attached statement, which is an exert from the information submitted to the Board. Following a review by the Board's Law Enforcement Committee, I have been instructed to request your comments concerning the charges. May we please hear from you by March 15th?

Sincerely yours,

*Paul D. Christerson*  
Paul D. Christerson, P.E.  
Executive Secretary

PDC:ep

Attachment

cc: Henry S. Steinbrugge, Chairman  
Law Enforcement Committee

The Northeast and Southeast corner of Section 24 have been re-established by single proportion distances between the found East quarter corner of Section 13 and the found East quarter corner of Section 36. This is proper procedure for the restoration of "lost" corners on the range line.

However, the map of survey indicates an existing fence line 20 feet, more or less, West of the Northeast corner and 50 feet, more or less, West of the Southeast corner of Section 24. The east quarter corners of Secs. 13 and 36 are shown as lying in the existing fence line.

I believe these two restored corners should be classified as "obliterated", rather than lost, if this fence line is any evidence of the original section corner location. The surveyor should consider this fence line as possibly marking the original range line. In any event he certainly should exercise every means at his disposal, including testimony of adjoining and former land owners, before using the extreme method of proportionate distances. In effect, here he is saying the fence line is in error because he cannot find the original corner monuments and the early owners did not know corner locations when constructing the fences.

The survey retracement shows an excess of approximately 26 feet on the North section line and approximately 53 feet on the South section line over the original survey notes. - Since this is very nearly the difference between this survey and the original, it should certainly "ring a bell" somewhere that the existing fence receive at least ordinary consideration according to normal accepted surveying practice. A found monument (5/8-inch rebar) near the Southeast section corner apparently is also rejected.

As a matter of fact, the surveyor should present substantial evidence this fence line does not represent the original range line before making any contention otherwise.



The other three sides of Section 24 are bounded by county roads, and the right of way is fenced. The surveyor has accepted the center of fenced right of way for the West line of Section 24, but he has reestablished the section corners along this line by some highly unusual and unique logic. The North section line is on line between the Northeast corner of Section 24, and the Northwest corner of Section 23, intersecting the accepted road center line. He ignores the established fenced right of way on the North and South section lines. If these fence lines should not be considered, then a double proportionate measurement is called for in the manual. His map shows no corners found North or South of this West section line for double proportionate calculations.

He has made the South line of the section vary from the North line in the amount of  $0^{\circ} 09'$  of bearing to conform to the difference shown on the original survey. His theory here is contrary to the rules for retracement, and is certainly original.

It is my opinion that the surveyor has made some grave errors in judgment and some flagrant violation of the rules defined in the Manual of Surveying Instructions published by the Department of Interior. He accepts some fence lines and rejects others as evidence of original location, without documentation, where in fact, the land as fenced conforms very closely with the original field note distances, according to his own map.