

Monument Perpetuation

A monument is set by a surveyor as shown on a subdivision map, record of survey, parcel map or corner record. A typical monument may be a lead and disk in concrete (exhibit A), a lead and tack (exhibit B), a pipe with a disk (exhibit C), a shiner and nail (exhibit D) or a well monument with a 2.5 inch brass disk (exhibit E). See Exhibit F for typical locations of monuments. They may be in the sidewalk, middle of the street or at the actual property corner.

If at any time a monument will be destroyed or covered during construction, it must be perpetuated in accordance with state law. Assuming that the project is a City Contract, submit the attached Monument Perpetuation Request to the survey section with the location of the monument(s) to be referenced and replaced later. (ex: the NE corner of Aero Drive & Ruffin Road). If the construction project is a private permit, request proof that a private land surveyor has referenced the monument.

State Law

The 'Greenbook' is the Standard Specifications for Public Works Construction projects used throughout California. It is the 'bible' used for both the bidding and the inspecting of projects. Therefore, the standards within the book must be adhered to. The legal requirements for the perpetuation of monuments within the Greenbook, 'Section 2-9.1 simply reiterates state law.

2-9 SURVEYING.

2-9.1 Permanent Survey Markers. **The Contractor shall notify the Engineer, or the owner on a Private Contract, at least 7 days before starting work to allow for the preservation of survey monuments, lot stakes (tagged), and bench marks.** The Engineer, or the owner at its cost, shall file a Corner Record Form referencing survey monuments subject to disturbance in the Office of the County Surveyor prior to the start of construction and also prior to the completion of construction for the replacement of survey monuments. **The Contractor shall not disturb survey monuments, lot stakes (tagged), or bench marks without the consent of the Engineer or the owner on Private Contracts. The Contractor shall bear the expense of replacing any that may be disturbed without permission.** Replacement shall be done only under the direction of the Engineer by Registered (licensed) Licensed Land Surveyor or a Registered Civil Engineer authorized to practice land surveying within the state.

The Business and Professions Code (B & PC) of California specifically states that monuments must be referenced and replaced. The Professional Land Surveyors Act (LSA) is part of the B & PC. The LSA is to surveyors what the Professional Engineers Act is to engineers. Section 8771(b) of the LSA specifically states

(b) When monuments exist that control the location of subdivisions, tracts, boundaries, roads, streets, or highways, or provide horizontal or vertical survey control, **the monuments shall be located and referenced by or under the direction of a licensed land surveyor** or registered civil engineer **prior to the time when any streets, highways, other rights-of-way, or easements are improved, constructed, reconstructed, maintained, resurfaced, or relocated**, and a corner record or record of survey of the references shall be filed with the county surveyor. **They shall be reset in the surface of the new construction, a suitable monument box placed thereon, or permanent witness monuments set to perpetuate their location if any monument could be destroyed, damaged, covered, or otherwise obliterated, and a corner record or record of survey filed with the county surveyor prior to the recording of a certificate of completion for the project.** Sufficient controlling monuments shall be retained or replaced in their original positions to enable property, right-of-way and easement lines, property corners, and subdivision and tract boundaries to be reestablished without devious surveys necessarily originating on monuments differing from those that currently control the area. It shall be the responsibility of the governmental agency or others performing construction work to provide for the monumentation required by this section. It shall be the duty of every land surveyor or civil engineer to cooperate with the governmental agency in matters of maps, field notes, and other pertinent records. Monuments set to mark the limiting lines of highways, roads, streets or right-of-way or easement lines shall not be deemed adequate for this purpose unless specifically noted on the corner record or record of survey of the improvement works with direct ties in bearing or azimuth and distance between these and other monuments of record.

Misdemeanor

Monuments have been destroyed on a regular basis in the past. It can be a misdemeanor. We must be certain that this does not happen anymore. Most likely it is not done maliciously; rather it is done inadvertently without the proper knowledge. However, it may be done to avoid the cost of hiring a surveyor. California Penal Code reads

605. Every person who either:

1. Maliciously removes any monument erected for the purpose of designating any point in the boundary of any lot or tract of land, or a place where a subaqueous telegraph cable lies; or,
 2. Maliciously defaces or alters the marks upon any such monument; or,
 3. Maliciously cuts down or removes any tree upon which any such marks have been made for such purpose, with intent to destroy such marks;
- Is guilty of a misdemeanor.

Surveying

Before any construction project is commenced, it is imperative to have a surveyor, whether it is a City surveyor or a private surveyor, walk the site. If the project is a private permit, the permit applicant is responsible for hiring a private surveyor. If the project is a City contract, contact the RE to schedule a city survey crew. The site should be marked out so that the surveyor knows exactly what may be disturbed. The surveyor will be responsible for referencing any monuments that may be destroyed during the construction/improvement process. The contractor is NOT to reference any monuments or replace any monuments!

It is against state law. If it is found that a contractor has replaced/destroyed any monument, the contractor will be responsible for hiring a surveyor to replace the monuments in accordance with state law. It is possible for the expense to be \$500 or it can be \$5000 or more, it all depends on other monumentation in the area.

Once the construction is complete, the surveyor, private or City, must replace the monuments that were destroyed. The surveyor must prepare and file the appropriate document with the County Surveyor, whether it is a Corner Record or Record of Survey. The project is not complete until the documents are filed.



EXHIBIT A



EXHIBIT B



EXHIBIT C



EXHIBIT D



EXHIBIT E

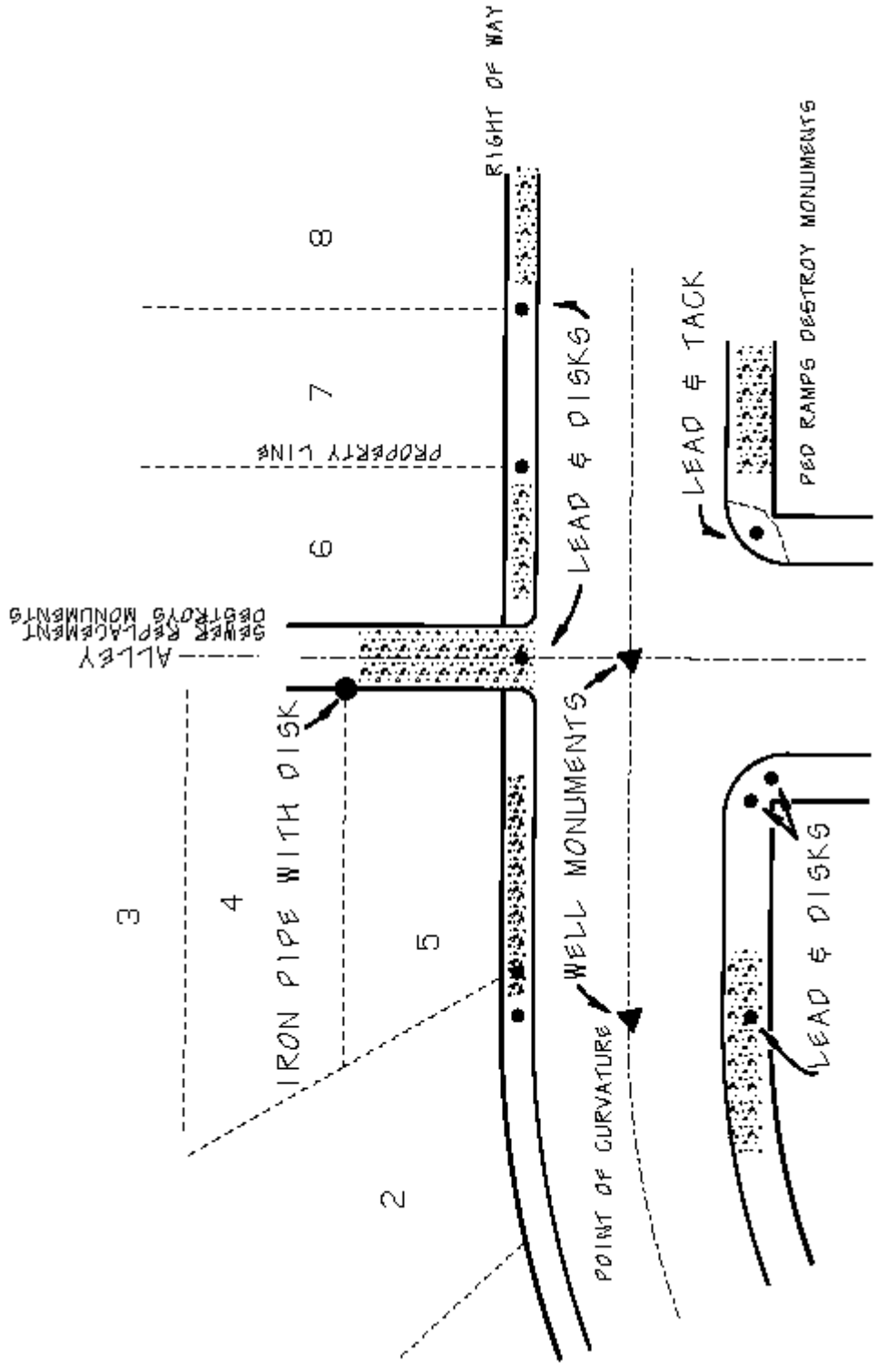


EXHIBIT F

