

SURVEY NOTES

Volume 15 Issue 3

March 2009

CALIFORNIA LAND SURVEYORS ASSOCIATION, SAN DIEGO CHAPTER
5519 Clairemont Mesa Blvd, Mail Box 261, San Diego, California 92117
www.sd-surveyors.org

Chapter Meeting
Wednesday, March 18, 2009

Guest Speaker:
Terrence Connors, PLS
San Diego County Surveyor

Terry will lead the meeting with an informative session and round table discussion regarding County of San Diego Surveying topics.

Location

Best Western Seven Seas – Lord Jim Room

411 Hotel Circle South
San Diego, Ca. 92108
(619) 291-1300
6 p.m. Social/Networking
6:30 p.m. Dinner
7:00 p.m. Program

Please RSVP through our CLSA San Diego Chapter website no later than Thursday, November 13

The website address is <http://www.sd-surveyors.org>.

Please click on the "Dinner Reservations" button and fill in all of your reservation information there.

If paying with a credit card, please remember to bring in a copy of your receipt for check in.
Those who do not make a reservation cannot be guaranteed a meal.

Dinner - \$24

Italian Dinner Buffet:

Dinner Items: Chicken Parmesan, Spaghetti with Meatballs & Marinara Sauce

Side Dishes: Italian Stir Fry Vegetables, Fresh Fruit Tray, Caesar Salad and Garlic Bread

Dessert: New York Cheesecake Coffee, Tea or Decaf

Price includes tax & tip

EXECUTIVE BOARD MEETING

February 18, 2009

Meeting held at Tio Leo's Mexican Restaurant, 5302 Napa St., San Diego

Board Members Present:

<i>Pat McMichael, President</i>	<i>Andy Karydes</i>
<i>Casey Lynch, Vice President</i>	<i>Anne Hoppe</i>
<i>Justin Pallamary, Treasurer</i>	<i>Dave Ambler</i>
<i>Blake Torgersen, Secretary</i>	<i>Lonie Cyr</i>
<i>Sean C. Englert</i>	<i>David Viera</i>

Pat McMichael opened the meeting at 5:05 p.m.

The minutes for the January 2009 meeting were reviewed. Dave A. MOVED to approve the minutes. Andy SECONDED. The motion CARRIED.

Presidents Report – Pat

- The CLSA Conference will be held March 28 - April 1, 2009 at the Hilton San Diego Resort (Mission Bay), San Diego, CA. There will be an option to pay for a single day admission this year.
- The newly appointed Los Angeles County Public Works Director is an engineer not licensed to practice land surveying. The position includes duties of the County Surveyor. The State CLSA is working on this issue and has asked that chapters and individuals not take any action at this time. A letter from the CLSA Central Office will be distributed with the chapter newsletter.
- Scholarship recipient Mario Flores has a midterm and will not be able to attend tonight's general meeting.
- There has been a recent court case involving land sales contracts. A copy will be distributed with the chapter newsletter.

Vice Presidents Report – Casey

- The joint San Diego/Orange County meeting will be held on September 10th, 2009 at Sarducci's in San Juan Capistrano.
- The speaker for the March meeting will be Terry Connors.
- Casey is still researching alternate meeting location options.

Treasurer's Report – Justin

- Checking account: \$29,690.19 (Includes General Fund, Education Fund. Justin & Greg are meeting to review the tracking spreadsheets from last year to determine the amount in each fund.)
- The new 90 day CD has a balance of \$45,197.79.

Secretary's Report – Blake

- Users of LinkedIn.com can connect to the new SD-CLSA group to make business connections with other surveyors in the area. Go to your LinkedIn account, go to the groups directory, and search for "SD-CLSA". There is also a group for the State CLSA.

Education Committee:

LS Review Subcommittee

- There are currently 2 students of the LS Review class who have not yet paid. Mike Hart is tracking them down.

Education Foundation \ Scholarship Subcommittee – Tony Nothdurft / Andy Karydes

- Tony will research the schedule of the Paul Cuomo Education Fund before determining when to send our donation check.

Community College Report – John Butcher / Jaime Taynor

- There are 4 surveying classes at Cuyamaca College with a total of 41 students: Beginning Surveying, Advanced Surveying, Survey Drafting, and Boundary Control & Legal Principles. The college is very supportive of the survey program. RBF has donated 4 controllers with Carlson field controller software. The college needs a desktop survey program for downloading from the controllers and for the survey drafting class. Carlson Software will provide the school with Carlson Survey software licensed for as many seats as they need for \$650 per year with a \$150 initial setup fee. Dave A. MOVED to allocate \$800 from the education fund as a one time donation for the initial purchase of the software. Blake SECONDED. The motion CARRIED.

Annual Golf Tournament Subcommittee – David Johnson

- The location of the tournament has not been determined yet.

Membership Committee – Dave Ambler / Dave Viera

- A draft of the 2009 membership dues invoice was presented to the board.
- Blake MOVED to allocate funds up to \$100 for printing & postage of the invoices. Justin SECONDED. The motion CARRIED.

Legislative Committee – Anne Hoppe

- The committee is monitoring active bills which affect remainder parcels on parcel maps, map dedication form, & lot line adjustments.

Joint Professional Practices Committee – Lonie

- The quarterly meeting was cancelled. Nothing else to report.

Website Committee – Anne Hoppe

- Anne is updating the phone numbers for the board & committee members.

Workshop Committee

- No report.

Chapter Representatives Report – Sean Englert

- Sean reviewed a summary of the State CLSA executive board meeting. A copy of the notes will be distributed with the newsletter.

New Business

- Marv presented the Buck knives which have been donated for the CLSA conference for prizes. One is a rare collectible knife, and will be offered in the conference fundraiser auction.
- The State CLSA has asked for monetary donations to support the student volunteers at the conference. Sean MOVED to donate \$200 to the student volunteers. Dave A. SECONDED. The motion CARRIED.

Old/Unfinished Business

- The City of Oceanside monumentation policy was discussed briefly. It will be kept on the agenda for further discussion next month.
- The border monument access issue appears to have been resolved. Mike Pallamary will provide details at a later date.

Dave A. MOVED to adjourn the meeting. Justin SECONDED. The motion CARRIED.

The meeting was adjourned at 6:05 p.m.

GENERAL MEETING

February 18, 2009

Meeting held at the Best Western Seven Seas Mission Valley

Pat McMichael opened the meeting at 7:00 p.m., conducted chapter business, and reviewed the Executive Board Meeting.

Casey introduced our guest speaker, Frank J. Jessie III, Operations Manager, San Diego Geographic Information Source (SanGIS).

Frank outlined the history of SanGIS, beginning with the Regional Urban Information System (RUIS), a collaborative project of San Diego City and San Diego County in 1984. RUIS became SanGIS in 1997 as a Joint Powers Agreement between the City and County.

SanGIS' staff of 15 currently maintains over 400 layers of GIS data covering approximately 4900 square miles, most of which are available to the public for download free of charge at www.sangis.org. The downloadable data layers include roads, parcels, zoning, and control monuments. SanGIS has about 300 registered public users, and provides approximately 3000 downloads per month.

The data can also be purchased on DVD for a nominal fee. SanGIS can also prepare custom maps in their office at 5469 Kearny Villa Road, Suite 102.

Frank answered a few questions about SanGIS and the data.

The meeting was adjourned at 8:05 p.m.

Education/Seminars/Workshops

Equipment Donation Request

I am an instructor for the Land Surveying classes at Cuyamaca College in El Cajon, CA. At this point in our class, I am finding that progress and project results would be greatly benefited by some survey equipment of this current generation. We do have 3 newer instruments, but would like to expand our current collection to aid our current enrollment of 40 students. We are looking for total stations, glass, tripods, GPS equipment, two-way radios, and data collectors.

I recognize that your company is dedicated to enhancing the quality and content of people's lives in your community. Your

consideration of this request would exemplify this philosophy, and demonstrate to many potential customers that you are supportive of sharing the inherent dignity of your community.

I assure you that any donation will help enhance the surveying profession and help our college obtain our objective in educating students to an acceptable level that is required for the profession.

Thank you for your consideration.

Sincerely,

John R. Butcher RLS, PLS
619-980-8406
Survey 218, 240 Instructor

Please address response to:

<http://www.gcccd.net/formsdepot/templates/DO1.F1.Request.for.Acceptance.of.Donation.form.dot>

Cuyamaca College campus:

<http://maps.google.com/maps/ms?ie=UTF8&hl=en&msa=0&msid=115462941343600496477.000447db3518a949cbf3b&t=h&ll=32.744114,-116.941309&spn=0.00767,0.014505&z=16>



(Seminar Locations are in San Diego unless otherwise noted)

CLSA Conference 2009 - be there. March 28 - April 1, 2009 Hilton San Diego Resort (Mission Bay)

Detention Pond Design: Water Storage Solutions March 9 teleconf. **CEQA: California Environmental Quality Act** March 12. **Managing Construction Projects** March 26. **Strategies for Successful Mixed Use Development** teleconf April 2. **Keys to Understanding Land Records** teleconf April 8. **Construction Lien Law** May 12. Contact www.lorman.com or (866) 352-9539.

Abandoning a Project: When is it Okay to Stop Work? teleconf March 24. Contact National Business Institute customerservice@nbi-sems.com 800.930.6182

GITA's Geospatial Infrastructure Solutions and 2009 Oracle Spatial User Conference April 19-23 Tampa Florida www.gita.org/gis 303-337-0513.

Cuyamaca College - Beginning and advanced Survey Classes, including Surveying CADD, Boundary Control and Legal Principles. www.cuyamaca.edu Or 619-668-4040.

Geospatial Analysis and Technology – Seminars, courses and software training. Contact register@ucx.ucr.edu or call 951-827-4105. Web-site: www.UCRExtension.net/geo

CSU Fresno Geomatics Engineering Dept. Contact www.csufresno.edu/geomatics/ for program and on-line courses.

CSU Pomona Surveying Program http://www.csupomona.edu/%7Ece_surv/surveng/index.html

Santiago College GIS/GPS Surveying Program - see www.sac.edu/degrees/geography_information_degree.htm

GIS Certification – thru URISA <http://www.gisci.org/>

CLSA San Diego Survey Student Stipends

The Stipend program's goals are to: provide funding for local students taking college level survey related classes. They will receive \$100 for an A, \$75 for a B, \$50 for a C. It will be limited to one survey class per student per semester. The Class must have been completed within the last 6 months. Applicants must be current members of the San Diego Chapter of CLSA. Licensed Land Surveyors are ineligible. All applications are subject to approval by the executive board. Applicants need to mail in a copy of their grade (of a surveying class) to: CLSA San Diego, 5519 Clairemont Mesa Blvd. Mail Box 261, San Diego, California 92117.

California Land Surveyors Association CLSA Education Foundation

P.O. Box 9098, Santa Rosa, CA 95405
Telephone: (707)578-6016 FAX: (707)578-4406

The 2006 Scholarship application is available at
<http://www.californiasurveyors.org/files/scholarsh.html>

Travis Bohan
5469 N Cedar Ave, Apt 211
Fresno, CA 93710
January 29, 2009

San Diego Chapter, CLSA
Care of: Sean C. Englert, P.L.S.
Coastal Land Solutions
573 2nd St
Encinitas, CA 92024

Dear San Diego Chapter, CLSA:

As a student of the Geomatics Engineering program at Fresno State, I would like to extend my most heartfelt appreciation to the California Land Surveyors Association, San Diego Chapter for your generous contribution of the Vance F. Breshears Scholarship. This contribution from your chapter is an outstanding example of support for the benefit of education in the field of Land Surveying. Contributions such as yours are an essential part of my education and for this I thank you.

As a student at Fresno State I have gone to great lengths to help other individuals in the program succeed. I have organized large study sessions for classes, assisted in field work for various projects, and attempted to lead others students to success in their studies. Just as Vance Breshears held leadership in high regard, I also attempt to exemplify leadership in my deeds.

Thank you for your contribution.

Sincerely,



Travis Bohan
LSIT, EIT

Cc: CLSA Education Foundation

Announcements



Paul Cuomo Memorial Celebration

The memorial celebration for Paul Cuomo was held on January 17th, at the Newport Dunes banquet facility, in Newport Beach, California. The weather was perfect for a celebration by the bay. Over 425 people attended the event, which was hosted by Paul's sons Tom and Tony, and his wife of nearly 50 years, Peggy. On hand to deliver prepared remarks were Paul's close friends John Pavlik, Dave Woolley, and Mike Pallamary. The attendee's were also 'treated' to the world premier musical collaboration of Tom, Tony, and Paul's grandson Cole, in their rendition of the Tom Petty song "I Won't Back Down", sung in the tradition of Johnny Cash, Paul's favorite musician. A collection of over two dozen pictures from Paul's life were on hand for all to view, including images from Paul's childhood, early survey career, and various pictures from his personal life. It was truly what Paul wished for, as, in his words, we were to spend nothing on the funeral but throw a big party!! Thank you to all who attended, and for those of you were unable to attend, you missed a heck-of-a-send-off!!!

The Cuomo Family

TONY CUOMO, PLS 6042

ACCPLS, INC., 2832 TIGERTAIL DR., ROSSMOOR, CA. 90720

(562)795-1790 Ph. (562)795-1791 Fax TCUOMO@ACCPLS.COM ACCPLS@MSN.COM

Prohibition of the Sale of a Parcel of Real Property until an Approved Map has been Filed

- sent in by Mike Pallamary - this is a very important case that just came down.

The California Court of Appeal has held that a real estate contract that allowed the buyer to waive the recordation of a final map before purchasing a portion of a legal lot violated the Subdivision Map Act and was therefore void at its inception.

Sixelles entered into a contract to purchase four acres of land within a proposed subdivision from Cannery Business Park. The contract allowed Sixelles to complete the purchase if, at its election, either the four acres were made into a separate legal parcel by recording a final map or if Sixelles "waived" the recording of a final map. Before the sale occurred, Cannery terminated the contract and sold the entire proposed subdivision to another party. Sixelles sued to enforce the contract and force sale of the four acres to it.

The Court of Appeal held that the contract was void. It noted that the Map Act prohibits the sale, lease, or financing of any land within a proposed subdivision until an approved map is recorded. A contract for sale may be executed prior to approval or recordation of a final map only where the contract is "expressly conditioned" upon recordation of an approved final map. Following *Black Hills Investments, Inc. v. Albertson's, Inc.* (2007) 146 Cal.App.4th 883, the court held that because Sixelles' contract was not "expressly conditioned" upon the recording of a final map, but rather allowed Sixelles to waive that requirement, it was void as a matter of law at the time it was executed. The court rejected Sixelles' arguments that Black Hills was wrongly decided and that the Map Act did not apply to this sale of real property. It likewise dismissed Sixelles' contention that the waiver language could be "severed" from the remainder of the contract, observing that even without that language, Sixelles would have been able to enforce the contract without recordation of a final map in violation of the Map Act since nothing else in the contract conditioned the sale upon recordation of a map.

As with Black Hills, this case reflects the inclination of courts to enforce rigorously the terms of the Subdivision Map Act, and highlights the importance of careful adherence to the Map Act's requirements in drafting real estate contracts.

Sixelles, LLC v. Cannery Business Park 2008 WL 5392422 (Cal. App. 3 Dist. 12/29/2008).

- see attached PDF Court Disposition.

Boundary Surveying Books Preferences

Hi guys and gals, I am running a poll on the CLSA Forum and I'd love to have your input. If you have a minute, please consider logging in letting me know your choices. Thanks Much! - Mike Pallamary

– go to the CLSA web-site Forum post - Boundary Surveying Books

or : <http://www.californiasurveyors.org/clsaforum/showthread.php?t=2568>

Stolen Equipment

On January 14, 2009, in the City of Industry, the following surveying equipment was stolen from a Caltrans vehicle:

- 1 ea. Trimble R8 GNSS Receiver, SN 4815150837
- 1 ea. Trimble TSC2 Survey Controller, SN SS08A03246
- 1 ea. Trimble multi-track target, SN 96500239
- 1 ea. LG-VX8350 cell phone, SN A000000C4D68C1

If you have any information concerning this equipment, or hear anything about it, please contact Jeff Stevens at (626) 688-0575 or Dick Davis at (916) 227-7328. Thank you, Adrian 'Dick' Davis, PLS, Caltrans, Office of Land Surveys, (916) 227-7328

County of Los Angeles "County Surveyor" Concern



CALIFORNIA LAND SURVEYORS ASSOCIATION

CENTRAL OFFICE: 526 SOUTH E • SANTA ROSA, CA 95404

PHONE: (707) 578-6016 FAX: (707) 578-4406

clsa@californiasurveyors.org

February 16, 2009

To: CLSA Chapter Presidents

You may be aware that the County of Los Angeles has hired a new Director of Public Works. This position includes the title of "County Surveyor" and has historically been held by a licensed Engineer authorized to practice land surveying. The individual recommended and approved by the County Supervisors for the position is an Engineer licensed post 1982 and is not authorized to practice land surveying. Many of our members have voiced concerns over this issue.

CLSA has been in touch with the Board of Registration for Professional Engineers and Land Surveyors (BPELS) on this matter and is further researching current laws and application to this situation. At this time, we ask that the CLSA Chapters and individuals take no action (e.g. letters to BPELS or referring to Chapter Professional Practice Committees) until such time that an appropriate course of action be identified.

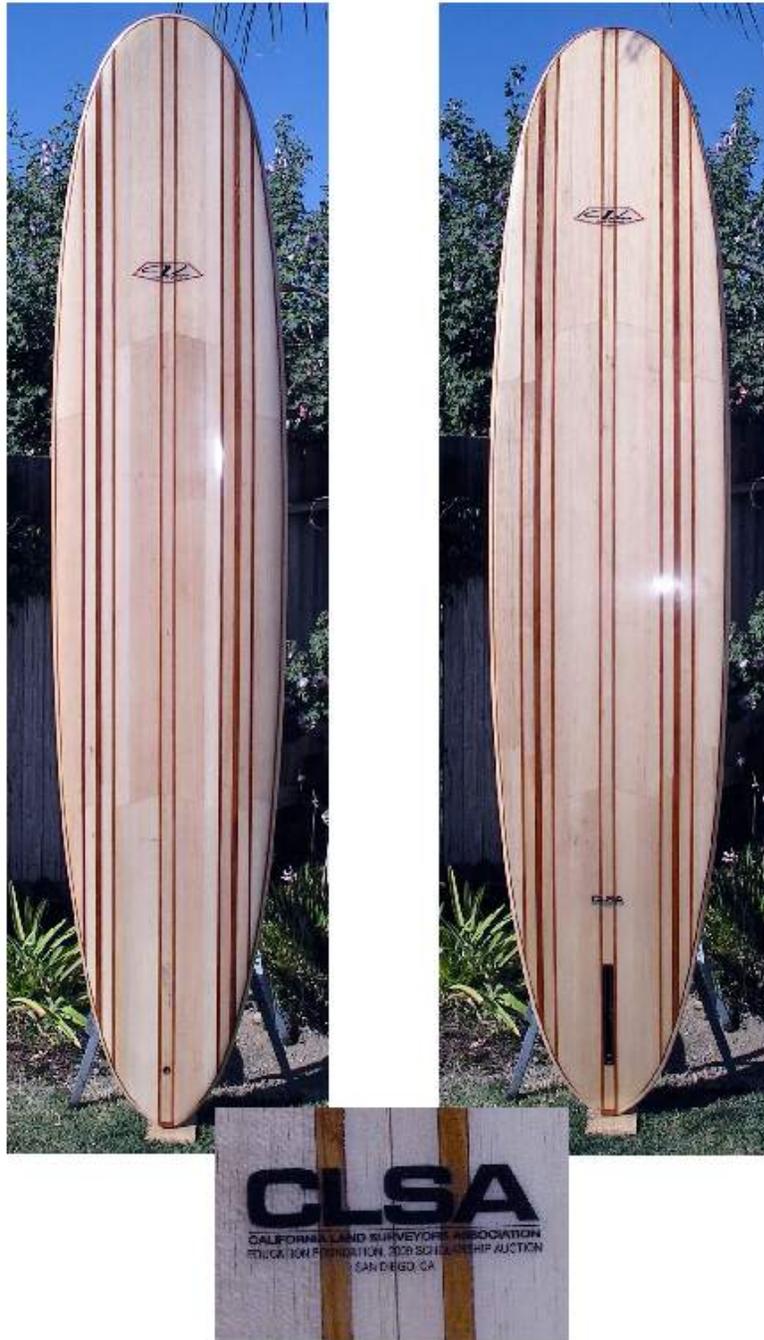
Once more information is obtained; the CLSA Board of Directors will develop a plan of action and provide direction to the CLSA Chapters so that we may proceed in a consistent and unified course. Any information you may believe to be helpful to CLSA in this matter should be forwarded to the Central Office.

Should you have any questions, regarding this issue, please feel free to contact us at (707) 578- 6016.

Sincerely,

A handwritten signature in black ink, appearing to read "Matt Vernon".

Matt Vernon
President



CLSA Auction Item

- from CLSA President Matt Vernon - I've been working on a little something for the scholarship auction. I thought it might be appropriate for San Diego.

Cool !!

Newsletter

Members are encouraged to receive email newsletters. Request an email copy only: 48wake@cox.net

Articles are encouraged for publication in the newsletter. Newsletter is distributed by the first Wed of the month. Send reports and articles to Allan Wake by the last Saturday of the month. Email to 48wake@cox.net

Advertising policy approved by the Board:

1) full page one time in newsletter \$150.00 charge. 10% discount one year paid in advance. 2.) ½ page one time in newsletter \$100.00. 3) Business card size ad one year in newsletter \$150.00. 4) Employment offers by a member free for 1 month. If an extension is needed, please contact Allan Wake email: 48wake@cox.net each month as needed. 5) Web-site banner \$100.00. Other Web-site advertising charges to be determined.

Thanks to the advertisers Lewis & Lewis, Prism, Allen Instruments, Photo Geodetic, Towill, Shancad, and Servco for supporting our Chapter !



CALIFORNIA LAND SURVEYORS ASSOCIATION

SAN DIEGO CHAPTER

5519 Clairemont Mesa Blvd, Mail Box 261, San Diego, California 92117

2009 Officers

Pat McMichael, P.L.S.

President (619-291-0707)

Casey Lynch, P.L.S.

Vice President (619-871-4504)

Justin Pallamary, P.L.S.

Treasurer (858-717-6112)

Blake Torgersen, P.L.S.

Secretary (858-259-8212 x114)

Sean C. Englert, P.L.S

Immediate Past President

& Representative (760-230-6025)

Andy Karydes, P.L.S.

Representative (760-753-5525)

Don Woolley, P.L.S.

Representative (619-291-0707)

Anne Hoppe, P.L.S.

Representative (619-446-5290)

Gary Hus, P.L.S.

Representative (619-229-0301)

Dave Ambler, P.L.S.

Representative (858-558-4500)

Lonie Cyr, P.L.S.

Alternate Representative (858-614-5000)

Jack F. Roth II, P.L.S.

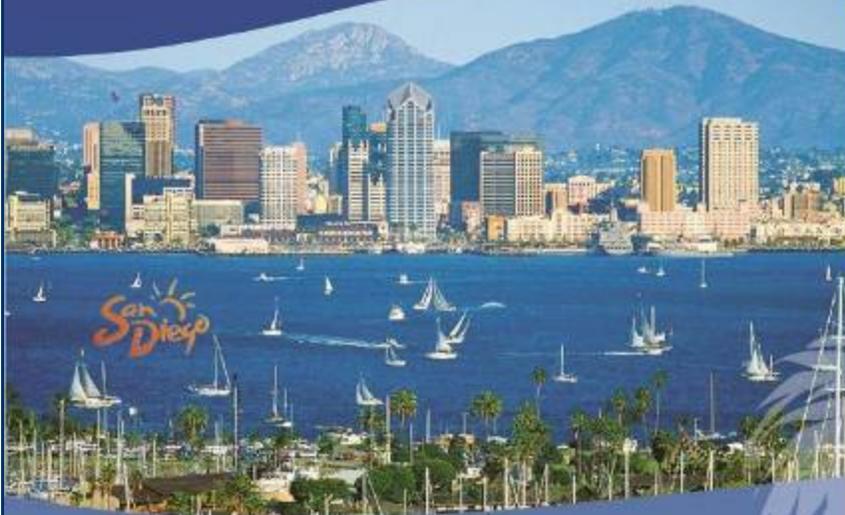
Alternate Representative (858-576-9200)

David P. Viera, P.L.S.

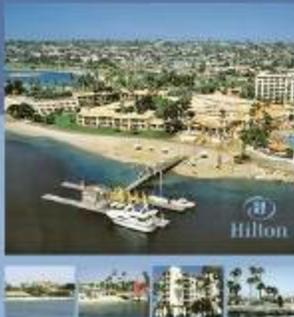
Alternate Representative (858-558-4500)

CLSA CONFERENCE 2009

March 28 - April 1



Hilton San Diego Resort
(Mirrion Bay), San Diego, CA



Hotel Information:
Hilton San Diego Resort
Reservations: (800) 445-8667
Cut-Off Date: February 25th
Room Rate: \$159
Group Code: CLSA

MARK YOUR CALENDAR

Featured Speakers Include:

- Mike Durkee, Esq.
- Gary Kent, PLS
- Dennis Moulard, PLS
- Steve Parrish, PLS
- "GIS Janet" & "Surveyor Randy"
from Professional Surveyor
Magazine (Janet Jackson, GISP
& Randy Rambeau, PLS)

Program to Include:

- Workshops
- Technical Sessions
- LSIT Review Course
- LS Review Course
- CST Exam
- Mock Trial



CLSA
CALIFORNIA LAND SURVEYORS ASSOCIATION

Registration Information Available on Line Only
Please visit www.californiasurveyors.org for updates information

ALLEN Instruments & Supplies

Dan McMahon
Product Consultant
760.271.4681 Mobile
714.238.3434 Office

800.215.2737 • Fax 714.238.3441
2940 E. La Palma Ave., Suite F
Anaheim, CA 92806
www.alleninstruments.com



dan@alleninst.com



Forrest (Jim) Youngs, P.L.S.
Regional Project Director
Geospatial & Mapping Services

TOWILL | Aerial Mapping

Towill, Inc. (Since 1955)
5933 Sea Lion Place, Suite 100
Carlsbad, CA. 92008-6624
706.438.5999
fax 760.438.7943
jim.youngs@towill.com
www.towill.com



Surveyors SERVICE COMPANY

ISO 9001-2000
CERTIFIED

David Paul Johnson, PLS

Survey Sales

toll free 800.938.0606 2942 Century Place
phone 714.546.0606 Costa Mesa, CA 92626
fax 714.546.9724 djohnson@servco1.com
cell 760.310.5054

www.Servco1.com

Moving Measurement Forward Since 1926

SPECIALTY MAPPING PRODUCTS DILIGENTLY PREPARED

**DRAFTING SERVICES OFFERED BY HIGHLY SKILLED
AUTOCAD OPERATOR WITH SUBSTANTIAL PRIVATE SECTOR
SURVEY/MAPPING EXPERIENCE**

AFFORDABLE STAFF EXTENSION

CONDOMINIUM PLAN DRAFTING-RECORD OF SURVEY
DRAFTING-PLATS & LEGAL DESCRIPTION SUPPORT-PARCEL
MAP DRAFTING-FINAL MAP DRAFTING-EXHIBIT
PREPARATION-RECORD MAP & DOCUMENT PLOTTING
LOCAL REFERENCES AVAILABLE

Tom Morrison
760-529-5232

www.shancad.com
shancad@cox.net