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CALIFORNIA LAW FOR SURVEYORS

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Introduction

There are two specific sections of California statute law that are covered on the Land Surveyor exam. The Professional Land Surveyors Act is the code of law that governs the practice of surveying, outlines the requirements and procedures for licensure, defines surveying, and includes the provisions regulating records of surveys and corner records. The Subdivision Map Act is the series of laws that allows local governments to control and regulate the subdivision of land. The Map Act includes the requirements for the preparation and processing of tentative, parcel, and final maps, along with other subdivision requirements.

Only California law will be covered on the LS exam. Questions normally require citation of sections from the appropriate statutes. Quick retrieval of information is of utmost importance, so surveyors should develop a personalized index system for the latest revision of the statutes.

Performance Expected on the Exams

Learning Objectives

Define surveying practice, what services require licensure, and what titles are reserved for licensure.

Outline the requirements for licensure.

Outline the requirements for a record of survey and corner record.

Explain the various exclusions and exemptions to the Subdivision Map Act.

Outline the purposes and requirements for the three different types of maps defined in the Subdivision Map Act.

Explain the requirements for lot line adjustments and Certificates of Compliance.

Key Terms

Constructive notice

Professional Land Surveyors Act

Board of Registration for Professional
Engineers and Surveyors

Improvement

Construction surveying

Topographic surveying

Cadastral surveying

Subdivision surveying

Boundary surveying

Geodetic surveying

Legal descriptions

Photogrammetry

Record of survey (ROS or R/S)

Basis of bearings

Memorandum of oaths

Advisory agency

Appeal board

City engineer/surveyor

Design

Local agency

Local ordinance

Subdivider

Subdivision

Contiguous parcels

Preemption doctrine

Tentative map

Parcel map

Final map

Major subdivision

Minor subdivision

Lot line adjustment

Right of entry	Certificate of compliance
Corner record	Lot merger
Subdivision Map Act	Amended map
Subdivided Lands Act	Certificate of correction

Video Presentation Outline

Professional Land Surveyors Act (PLSA)-Sections 8700 to 8806 of the Business and Professions Code

- Article 1: General provisions
- Article 2: Administration
- Article 2.3: Survey review committee
- Article 3: Application of the chapter
- Article 4: Issuance of license
- Article 5: Surveying practice
- Article 5.5: Photogrammetry
- Article 6: Disciplinary proceedings
- Article 7: Offenses against the chapter
- Article 8: Revenues

Article 3: Application of the Chapter

- Definition of survey practice (8726)
- Exceptions to licensure (8730)
- Titles that require licensure (8708, 8775, 8751)

Article 5: Surveying Practice–Record of Surveys

- Mandatory filing requirements (8762)
- Subdivision of land not allowed (8762.5)
- Form (8763)
- Technical requirements (8764)
- Required statements (8764.5)
- Exemptions (8765)
- Examination and fees (8766, 8766.5)
- Corrections (8770.5 – SMA Article 7)

Guide to the Preparation of Records of Survey and Corner Records

See Figure 16-1.

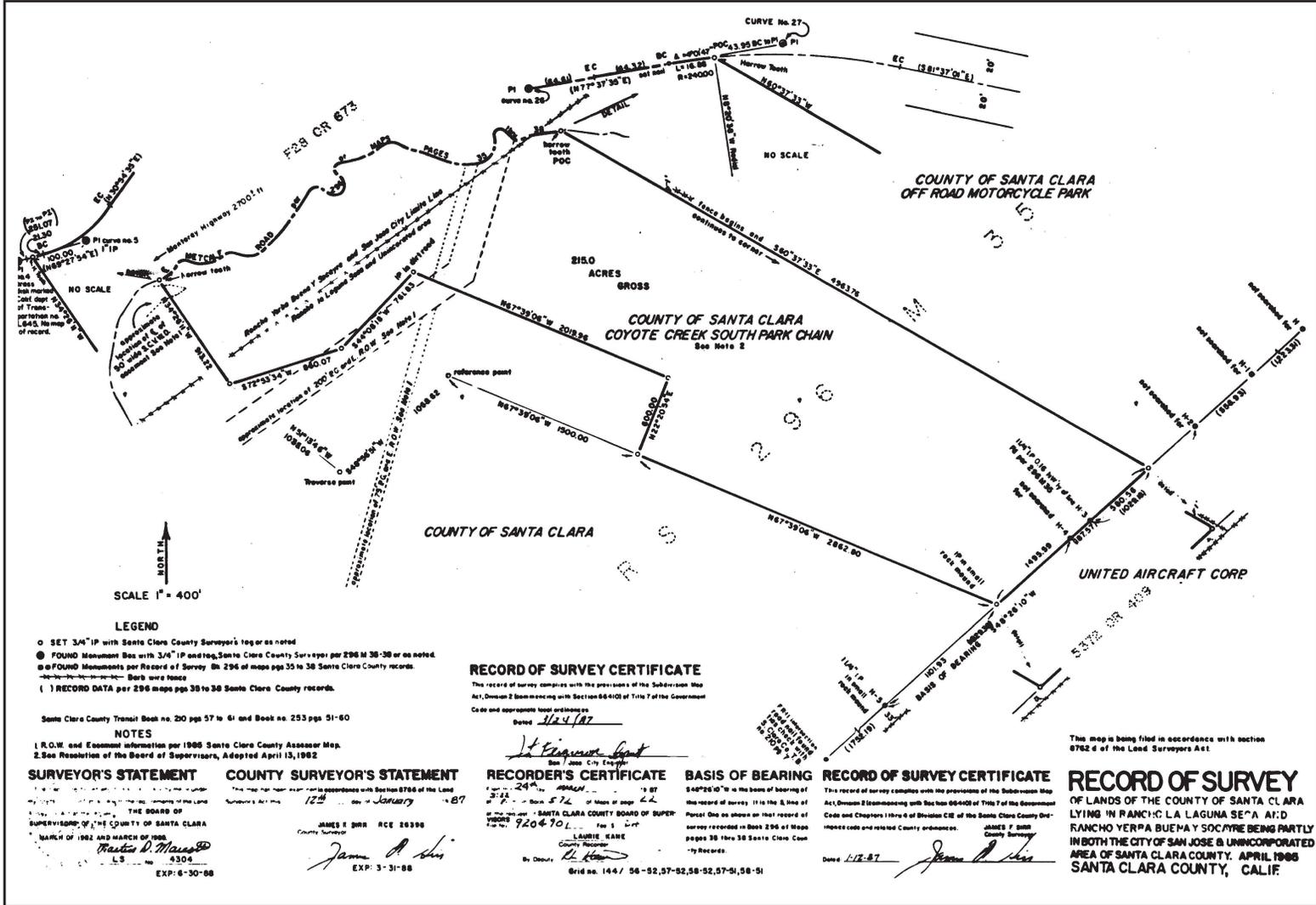
Corner Records (8773–8773.4)

- Requirements and exemptions for filing (8773, 8765d.)
- Form and content (8773.1)

Board Rule 464

See Figure 16-2.

Figure 16-1. Record and survey.

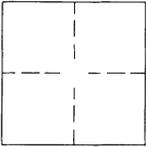


STATE OF CALIFORNIA • DEPARTMENT OF TRANSPORTATION
CORNER RECORD
 DPD-3011 (Rev. 9/97) CT# 7541-4548-0

Document Number _____

City of _____ County of _____, California

Brief Legal Description _____

	CORNER TYPE	COORDINATES (Optional)
	Government Corner <input type="checkbox"/>	Control <input type="checkbox"/>
	Meander <input type="checkbox"/>	Property <input type="checkbox"/>
	Rancho <input type="checkbox"/>	Other <input type="checkbox"/>
	Date of Survey _____	N. _____
		E. _____
		Zone _____ NAD27 <input type="checkbox"/> NAD83 <input type="checkbox"/>
		NAD83 Epoch _____
		Elevation _____
		Vert. Datum: NGVD29 <input type="checkbox"/> NAVD88 <input type="checkbox"/>
		Meas. Units: Metric <input type="checkbox"/> Imperial <input type="checkbox"/>

Corner - Left as found Found and tagged Established Reestablished Rebuilt

Identification and type of corner found: Evidence used to identify or procedure used to establish or reestablish the corner:

A description of the physical condition of the monument as found and as set or reset: _____

SURVEYOR'S STATEMENT

This Corner Record was prepared by me or under my direction in conformance with the Land Surveyors' Act on _____.

Signed _____ P.L.S. or R.C.E. Number _____
 For the State of California
 Department of Transportation



COUNTY SURVEYOR'S STATEMENT

This Corner Record was received _____ and examined and filed _____.

Signed _____ P.L.S. or R.C.E. Number _____

Title _____



County Surveyor's Comment _____

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Figure 16-2. Corner record form.

Subdivision Map Act (SMA)-Sections 66410 through 66499.58 of the Government Code

- Chapter 1: General provisions
- Chapter 2: Maps
- Chapter 3: Procedure
- Chapter 4: Requirements
- Chapter 4.5: Development rights
- Chapter 5: Improvement security
- Chapter 6: Reversions and exclusions
- Chapter 7: Enforcement and judicial review

Definitions

History of the SMA

Local Subdivision Ordinances

- Preemption
- Limitations on local regulation (66411)

When is a Subdivision Map Required?

- Definition of a subdivision (66424)
 - (1) The division of land;
 - (2) by any subdivider;
 - (3) of any unit or units of improved or unimproved land, or any portion thereof;
 - (4) shown on the latest equalized County Assessment Roll;
 - (5) contiguous;
 - (6) for the purpose of sale, lease, or financing;
 - (7) whether immediate or future.

- Contiguous parcels (see Figure 16-3).
- Gifts, inheritances, partitions, etc.
- Condominiums, cooperatives, community apartment projects.
- Government Lots.

Exclusions and Exemptions to the SMA

- Agricultural leases (66424).
- Statutory exclusions (66412).
- Conveyance to public entities (66426.5, 66428).

What Type of Subdivision Map is Required?

- Three types of maps in the Subdivision Map Act.
- Determining which type of map is required (66426).
- Final map exemptions.
- Parcel counting (see Figure 16-4).
- Tentative map content 66424.5, 66474.1 (see Figure 16-5).
- Parcel map content 66444 through 66450 (see Figure 16-6).
- Final map content 66433 through 66443.

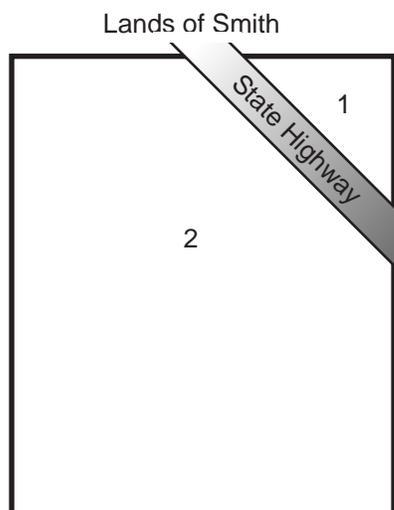


Figure 16-3. Contiguous parcels.

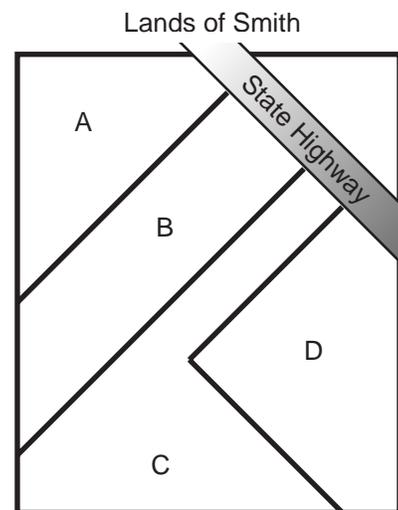


Figure 16-4. Parcel counting.

Chapter 3 Procedure

- Time limits (66451.1).
- Local agency fees (66451.2).
- Notice of public hearings (66451.3).
- Tentative maps (66452–66452.10).
- Final maps (66456–66462.5).
- Parcel maps (66463–66463.5).
- Recording of maps (66464–66468.1).
- Amendments to maps (66469) .

Miscellaneous Topics

- Lot line adjustment (66412).
- Mergers (66451.10–66451.21).
- Certificate of compliance (66499.35).

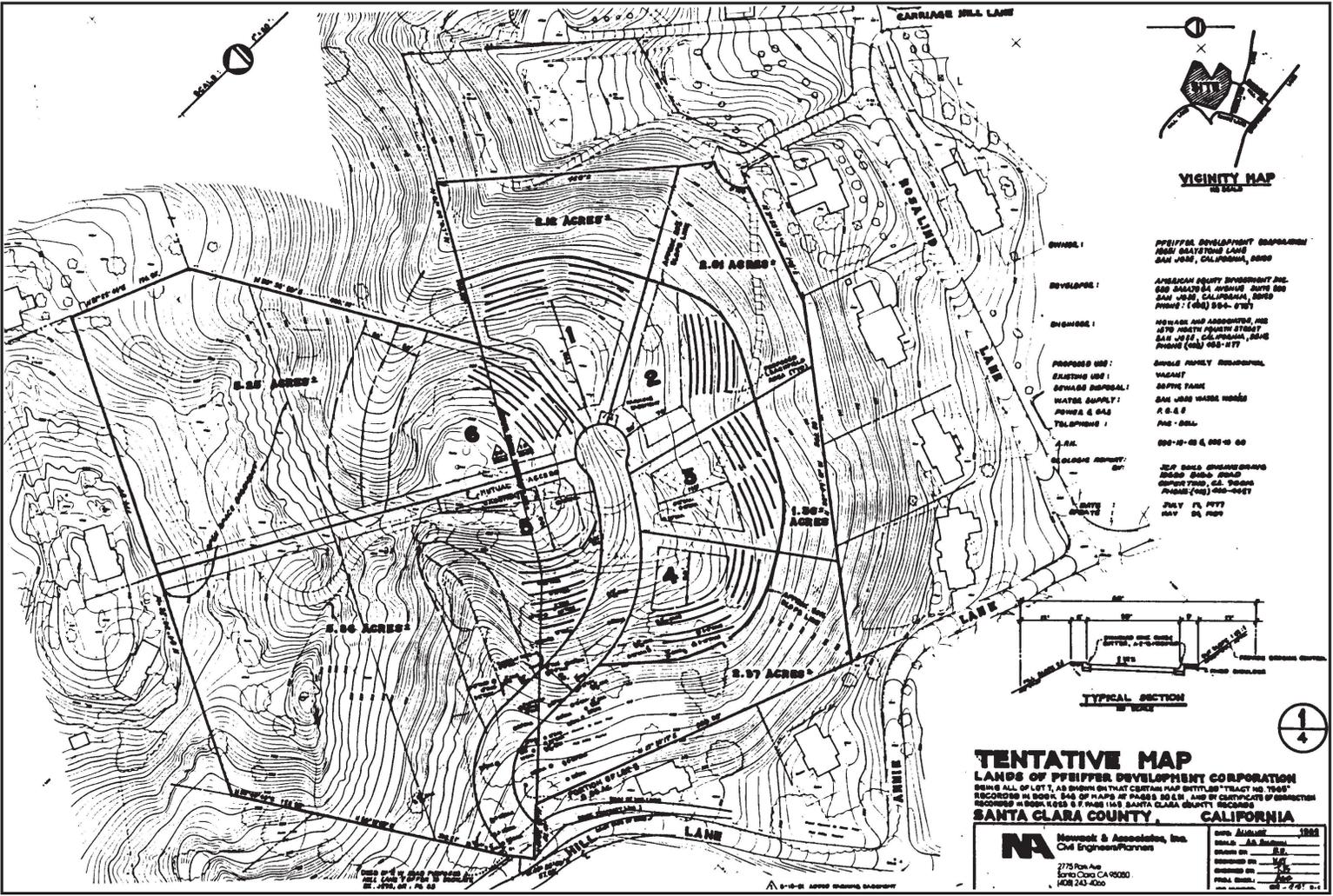
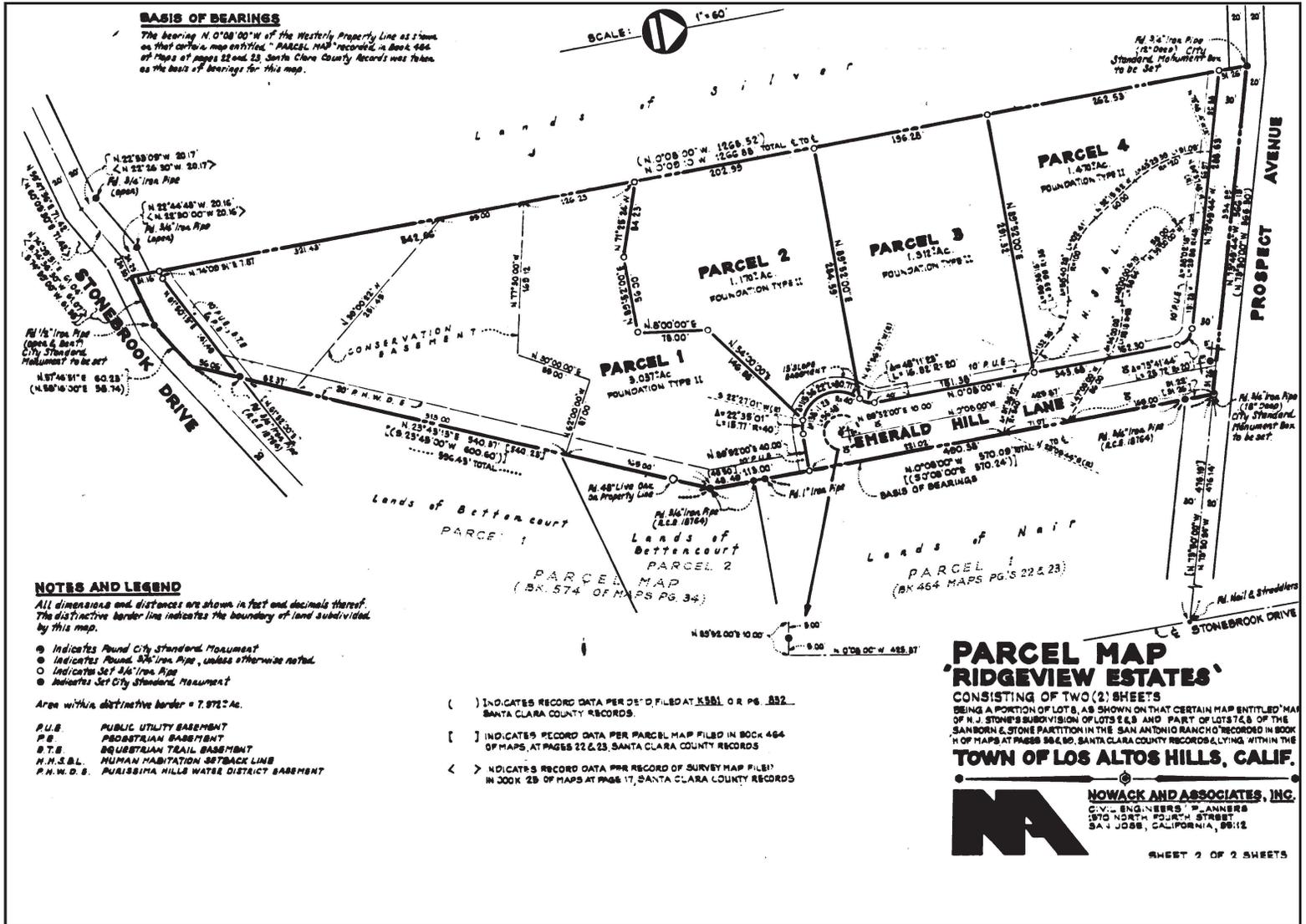


Figure 16-5. Tentative map.

Figure 16-6. Parcel map.



Sample Test Questions

Cite a reference for each answer given.

1. List those titles that are reserved by law to licensed land surveyors.
2. On what items is it mandatory for a licensed land surveyor to place his signature and show his license number or stamp his seal?
3. Define “material discrepancy” with respect to the Professional Land Surveyors Act.
4. Define “responsible charge” with respect to the Professional Land Surveyors Act.
5. Under what conditions may a registered civil engineer practice land surveying?
6. Define “certify” with respect to the Professional Land Surveyors Act.
7. What act or activities performed by a person constitutes the practice of land surveying within the meaning of the Land Surveyors Act?
8. When may a land surveyor administer or certify oaths?
9. On January 29, 1991, you performed a survey and set the corners of the lands of V. Breshears described as follows:

“The South 75.00 feet of the East 200.00 feet of Lot 2, Tract 500, recorded in Book 8 of Maps, Page 86, Rainbow County Records, State of California.

The client acquired the property in 1959 from B. Rogers, who still owns the remainder of Lot 1.”

Is a record of survey required? Explain.
10. What is the “local agency?”
11. “Subdivision” includes a condominium project as defined by what code?
12. Which section of the Subdivision Map Act covers the merger of contiguous parcels of land.
13. In your own words, define “subdivision.”
14. What is the difference between a parcel map, final map, and tentative map?
15. Under what conditions may a parcel map be based upon “record information?”
16. Can the local agency require a tentative map, parcel, map, or final map for a lot line adjustment?
17. Under what circumstances can a record of survey delineate parcels of land not shown on the latest adopted county assessment roll as a unit or contiguous units?

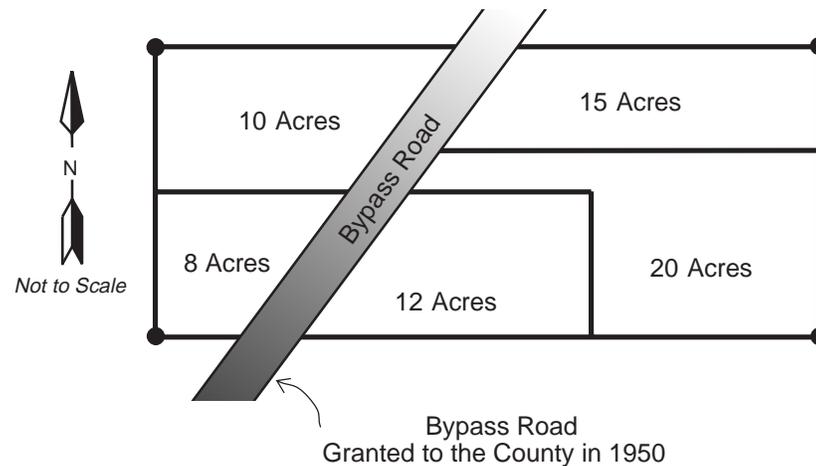
18. Problem D-7 1980 LS

You have been hired to prepare a parcel map from “record data.” A recently filed record of survey, prepared by another surveyor, has determined the boundary. In checking for the previously set monuments, you determined that the previous surveyor has used an erroneous section corner to control his survey. This results in a difference in the position of the true corners and the monumented corners of distances from 0.5 ft to 3.2 ft. No improvements have been constructed on the property. Your client is in a rush because interest rate charges are causing problems with his potential sale.

- A. Describe your actions with regard to your client.
- B. Describe your actions with regard to the other surveyor.
- C. Describe your actions with regard to the preparation of the parcel map.

19. Problem A-1, 1989 LS

Given the information denoted in the diagram below, the client has asked you to provide surveying and mapping services necessary to create the parcels as shown.

**Legend**

- Monuments Found Denoting the Client's Property That Was Purchased in 1940

Required:

The answers to the following questions are based upon current California law. You are to answer each of the questions briefly in your own words, or indicate the appropriate citations.

- A. What type of map or maps, if any, are required for this land division?
- B. If a map is required, who shall prepare it?
- C. Explain whether or not the new parcels are required to be monumented.
- D. If monuments are required or requested, when must they be set?
- E. If a map or maps are required, under what conditions would holders of beneficial interests not be required to sign?
- F. Excluding lawsuits and moratoriums, and if a final map or parcel map is required, what is the maximum time allowed to record the map?
- G. Under what conditions may the monuments called for on a parcel map or final map be set by another licensed land surveyor?
- H. After the completion of your work on the client's property, a tractor removed the monument that you found at the exterior southeast corner. The contractor asks you to replace the corner. What document, if any, would you prepare?
- I. Assuming it is necessary to gain access to the neighboring property to conduct your field survey and the neighbors question your right to be on their property, how would you respond?
- J. How can non-title information (i.e., building setback lines, etc.) be filed or recorded with a subdivision map?

Answer Key

1. LS Act 8708: Licensed land surveyor, professional land surveyor, or land surveyor.

LS Act 8751: Professional engineer in land surveying, land survey engineer, survey engineer, geodetic engineer, and geometronic engineer.
2. LS Act 8761: Maps, plats, reports, descriptions, or other documents.
3. LS Act 8762(b): Difference in position of points, lines, or dimensions between a survey and information found on any subdivision map, official map or record of survey on file with the County Recorder or surveyor or any map or survey record maintained by the Bureau of Land Management.
4. LS 8703: Independent control and direction, by use of initiative, skill, and independent judgment of the observations, measurements, and descriptions involved in land surveying work.
5. LS Act 8731: A civil engineer registered before January 1, 1982 can practice land surveying; otherwise the engineer must obtain a land surveying license.
6. LS Act 8770.6: An expression of professional opinion regarding facts or findings which are the subject of certification. Use of the word certify does not constitute a warranty or guarantee.
7. LS Act 8726.
8. LS Act - 8760: Oaths may be used to take testimony for the identification of obliterated monuments, to perpetuate evidence of monuments found in perishable condition, and when it is desirable to administer an oath to assistants for the faithful performance of their duty.
9. LS Act 8762(d),(e): A record of survey will be required because corners not shown on a record map will be established.
10. SMA 66420: City, county, or city and county.
11. SMA 66424: Section 1350 of the Civil Code.
12. SMA Article 1.5.
13. SMA 66424 - Your definition must include the phrase “for the purpose of sale, lease, or financing.”

14. SBA Chapter 2: Tentative maps are used in the subdivision approval process and are not recorded. Parcel maps are used for land divisions of four or fewer parcels or for divisions listed in 66426 (a),(b),(c), and (d) and are recorded with the County Recorder. Final maps are required for division of five or more parcels and are recorded with the County Recorder.
15. SMA 66448: Parcel maps may be based on record information if local ordinance does not require a field survey and sufficient information exists on filed maps to locate and retrace the exterior lines of the parcel map if the location of at least one boundary line can be established from an existing monumented line.
16. SMA 66412(d): No.
17. LS Act 8762.5 SMA 66499.35: A record of survey can only show new parcels of land if it is accompanied with a Certificate of Compliance.
SMA 66426.5: A record of survey can show a parcel of land created for conveyance to a public entity for right-of-way purposes.
18.
 - A. I would inform my client that, because of errors on the record of survey, sufficient record data does not exist to file a parcel map based on the record information (SMA 66448).
 - B. Inform the other surveyor of the problems and have him correct his survey.
 - C. I would inform my client that he could wait until the other surveyor had corrected his survey and then file the parcel map based on record information, or we could go ahead with a parcel map based on a field survey. I would provide my client with estimated costs and time frames for each of these alternatives. The client would have to base his decision on his own budget and time considerations.
19.
 - A. A tentative, final, or parcel map (SMA 66426, 66424).
 - B. A licensed land surveyor or civil engineer authorized to practice land surveying (SMA 66434, LSA 8731).
 - C. SMA 66495 requires sufficient durable monuments; also see LSA 8771. The surveyor must also set additional monuments as required by local ordinance (SMA 66495). (SMA 66495 does not require parcels to be monumented.)
 - D. At least one exterior line shall be monumented prior to the map recording (SMA 66495). The interior monuments may be delayed to no later than a specific date noted in the surveyor's statement (SMA 66496, 66441).

- E. Beneficial interest holders or their trustees are not required to sign parcel maps (SMA 66436, 66445.3E).
- F. Two years with a maximum one-year time extension if allowed by local ordinance (SMA 66452.6). (Five years acceptable per 66452.6E.)
- G. Death, disability, retirement of original surveyor, or refusal (SMA 66498).
- H. Corner record LSA 8773 through 8773.4, board rule 464.
- I. Right of Entry (LSA 8774).
- J. Supplemental information sheet may be filed concurrently with the final map or recorded as a separate document (SMA 66434.2).

References

Professional Land Surveyors Act, Sections 8700–8806, State of California
Business and Professions Code.

Subdivision Map Act, Sections 66410–66499.58, State of California
Government Code.

Important: These references are being constantly revised by the State
Legislature. The latest version of the statutes can be obtained for \$10
from:

California Land Surveyors Association
P.O. Box 9098
Santa Rosa, CA 95405

_____, *Guide to the Preparation of Records of Survey and Corner Records*,
County Engineers Association of California, 1989.

This publication can be obtained by sending a check for \$3.30 to:
Orange County Surveyor's Office
400 Civic Center Dr., Room 225
Santa Ana, CA 92702