

Mirage Retracement

By Harvey Hudson Walker, LS 13 ½

Having seen a great number of surveys in my career I have arrived at an observation that is, to me, somewhat humorous. And I will admit I am just as guilty as the next guy.

For instance, let's say there are six or seven tracts within a 40 or so acre tract; all written over a period of time probably by the grantors themselves. Some are smaller subdivisions of a once larger tract. All described in the finest "*farm to courthouse*" metes and bounds written by God-knows-who. All these tracts have existed over a long period of time and the "occupational" evidence is continuous and strong with no "range wars" going on between adjoins.

Now none of these deeded descriptions close. The ties to the Public Land Survey System are wrought with cardinal directions, six-sixties and thirteen-twenties. Mathematically there are gores and hiatuses at every turn, measured in feet and tens of feet. What few "survey" monuments that can be discovered only add confusion to the cacophony of calls. Sometimes it seems like performing a survey in these areas will only foster animosity and hard feelings among the occupants.

The part that I think is hilarious is the way that some of us try and find some harmony between two fence posts and cling, *like our life depended on it*, to some measured relationship of bounds or fences that appear somewhat close to deeded call. And then we try like the dickens to shove everything else into some harmonious array that reinforces our *best guess*. Most of the time we have our own liability first in our minds, and the established rights of the owners themselves trailing far behind.

What if this deed has a "North" call and another deed has a "North" call and there is 30 minutes of divergence in the two occupation lines; and neither is anywhere close to paralleling the section line? What if the deeded description calls a distance of "80 rods" and it's nowhere near 1320 feet? And don't even try to justify any acreages mentioned *as an afterthought* by conveyance.

The Courthouses are full of these descriptions. And as professionals I believe our first responsibility is to the public we are licensed to serve. Blindly holding to distances and courses

on a page, when it is apparent those lines were never actually ran, is a complete disservice to the property owners.

I guess what I'm trying to say is in the face of all adversity, we still try and retrace; even when there never existed anything *to* retrace. We try and try and try to find some logic in the conveyances, like there may exist a mysterious and higher answer or solution, when no solution or "master plan" ever existed at all. In those instances we need to step up and acknowledge that nothing fits. There is no doubt in my mind it would be more professional just to map (nee **survey**) the uncontested occupation evidence and prepare our plat? Why place yourself in the position to cause *a great public calamity* in a previously harmonious area? Is it that important to justify our work with hollow and phantom bearings and distances? **If a survey has never been performed, there is no survey to retrace.** That's the perfect opportunity for a surveyor to step up and actually **survey** the situation. But please remember that private property rights should be a little higher on the proverbial "Order of Calls" than most of us are willing to admit.

Box it up.

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