

Monument Conservation

Excerpts from California Law

& Professions Code §8771

Monuments exist that control the location of roads, streets or highways...the monuments be located and referenced by or under the authority of a licensed land surveyor or registered civil engineer prior to the time when any streets, highways, easements, or easements are improved, constructed, maintained, resurfaced, or reconstructed, and a corner record or record of survey of the monument shall be filed with the county surveyor.... The governmental agency performing or permitting the construction or maintenance work is responsible for the monument. If either the governmental agency or land surveyor performing the construction or maintenance work does not comply with the requirements required by this section...

& Professions Code §8725

It is unlawful for any person ...to set, reset, replace, or remove any survey monument on land in which he or she has no legal interest, unless he or she has been specifically exempted from licensing under this section.

Penal Code §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.

Government Code §27581

All monuments located in public highways shall be placed with the top not less than 12 inches below the surface of the ground, but when not located in public highways, they shall be placed with the top six inches above the surface of the ground...

Note: These excerpts from California law have been edited to provide relevant portions in a limited space. You must refer to the complete text of the statutes and laws for full meaning and context.



Survey Monuments?

ners of parcels or lines of easements can ualized on the ground by setting markers, monuments. A survey monument is a physi-that locates a corner or line on the ground. e on a line or offset from a line, on, above ne surface, noticeable or almost invisible. ers can take many forms, some more du- others:

nd cross in a sidewalk set 60 years ago

nd brass tag under 2" of pavement

s of any diameter driven into the ground, ried well below the surface or visible at ce

ikes or posts, with or without identifying tags or "X" scribed in concrete

ith or without identifying caps

l stone or post placed in or on the ground, es with a rock mound around it

... the list goes on.

Survey Monuments Important?

monuments are used to maintain the integ- continuity of adjoining properties, neighbor- divisions, roads, highways, cities, counties, even countries.

d surveying community has observed an in- he mortality rate of survey monuments set way control, public, and private property . With their destruction, the potential for id uncertainty of boundaries arises.

a Land Surveyor Help?

y be able to recognize a survey monument ove the surface of the ground. But your local yor is experienced and qualified to research ly identify what markers may still exist near ct – and to find and recover them without !



What are the Benefits of Monument Conservation?

- ✓ Protection of Rights - Survey monuments protect the rights of property owners, easement holders, and their adjoining.
- ✓ Keeping the Law - Malicious removal or destruction of survey monuments is against the law.
- ✓ Stability – Survey monuments provide stability and balance of interests in real property.
- ✓ Avoid Liability – You may be liable for destruction of monuments caused by your improvements.
- ✓ Cost Savings - It costs much less to preserve a monument than it does to replace it after it is destroyed.
- ✓ Tax Savings – Resetting road, property or easement monuments after a public improvement project adds significant costs which will ultimately be borne by the tax-paying public.
- ✓ Preserve Original Locations - Property lines and easements can be easily identified in their original location when monuments are preserved.
- ✓ Stay out of Court – Avoid possible civil actions based on unknown boundary locations when monuments are preserved.



How to Avoid Monument Destruction & Penalties

Use the skills and expertise of your local Land Surveyor! He or she can provide the following services to conserve survey monuments before and after construction...

Before Construction or Project

- ✓ **research** - research record information for existence of markers and benchmarks
- ✓ **locate & identify** – search for and find existing markers and benchmarks, whether visible or buried
- ✓ **reference** – set reference marks to original monuments that will remain throughout and after construction

After Construction or Project

- ✓ **replacement** – set replacement markers in original position using reference marks if original monuments are disturbed or destroyed
- ✓ **document** – file proper documentation with the proper agency(ies) showing original and replacement monuments
- ✓ **preservation** – set protective posts or structures near monuments for future identification

Be sure to obtain copies of the Surveyor's documentation and/or take photos of monuments, whether original or replacement monuments.

REMEMBER – \$1 of prevention is worth \$10 "cure" - replacing a monument AFTER it is destroyed takes 10 times the cost to protect it BEFORE it is destroyed.

