

Mercer County Community College
Arts and Communication Division

CIV 218 SPRING 2009

Evidence and Procedures for Boundary Location

COURSE DESCRIPTION:

Topics include evidence and procedures for boundary control, legal research techniques, writing legal descriptions, real estate law, and boundaries, which include adjacent and riparian boundaries, with particular reference to New Jersey surveying history and state laws.

Text (s): **Evidence & Procedures for Boundary Location**
 By Brown, Robillard, & Wilson
 Publisher: Wiley and Sons, Latest Edition

Prerequisites: **CIV101, CIV202**

Co-requisites:

Credits: 3

Lecture Hours: 3

Studio/Lab Hours: 0

**Food and Drink are strictly prohibited in classrooms as per health and safety laws.
Students may not bring in chemicals or cleaning fluids without the appropriate
MSDS SHEETS.**

Course Coordinator: John Santosuosso

Latest Review: 2009

I. GENERAL OBJECTIVES

- A. To understand the law as it applies to the Surveyor in order to properly perform responsibilities and thus reduce liability.
- B. To be made aware of the statutory and administrative code regulations that govern the practice of surveying as well as to understand that court decisions are interpretations of laws.
- C. To gain a knowledge of legal research to keep current with laws and cases affecting the practice of surveying.
- D. To become aware of the various forms of record and field evidence encountered during a survey, as well as assess the validity or reputation of evidence.
- E. To understand the importance of preserving the evidence through plans of survey, survey reports, and written legal descriptions.

II. SPECIFIC OBJECTIVES

- A. To explain the nature, history, and modern concepts of land ownership, and the concept of a boundary.
- B. To list the various types, kinds, and nature of evidence related to boundaries.
- C. To explain the Surveyor's role as a gatherer of evidence in the boundary/property line determination process.
- D. To explain the elementary structure related to procedures used by the courts for the determination process.
- E. To explain the use of general principles of law used in the retracing of record title lines.
- F. To explain the nature of statutory law, administrative code, and case law as they affect the responsibility and behavior of the Land Surveyor.
- G. To proceed through the process of legal research in order to practice competently and as the source of professional growth.
- H. To explain the importance of the continuity of evidence and its preservation.
- I. To explain the general principles of law regulating unwritten title boundaries and the Surveyor's obligations with respect to them.
- J. To explain the dynamic certainty and uncertainty that permeates boundary law and its impact on the surveyor.

III. METHOD OF PRESENTATION

A lecture-discussion approach will be utilized. The textbook will be supplemented with printed handouts made by the instructor. Class participation is emphasized by asking the students questions on their reading assignments, homework, and actual experiences. Homework answers will be discussed and it is intended that the students develop argumentative capabilities as well as enhance their already established methods of reasoning. Class work will be supplemented by research in law libraries and other outside sources.

IV. EVALUATION

Students will be expected to complete weekly written assignments and/or short technical papers on various topics of the legal aspects of land surveying. Clarity, completeness, and accuracy will be the basis for grading of all written assignments. Spelling and grammar will be a factor in the grading of these papers, as one of the responsibilities of the Surveyor is to clearly communicate with his or her clients, to report information on written records, field evidence, and other factors affecting the location of boundary lines. These assignments are intended to open the students' minds to the varied approaches to the analysis of evidence, while improving reasoning and communication skills.

In addition, there will be a mid-term paper and a final exam or paper which will relate to previously covered topics.

V. GRADING SYSTEM

Class Participation	10%
Quizzes/Assignments	30%
Mid-Term Exam or Paper	30%
Final Exam or Paper	30%

VI. REFERENCES

Boundary Control and Legal Principles, C. M. Brown, John Wiley & Sons (1969)

Clark on Surveying and Boundaries, Walter Robillard & Lane Bouman, The Michie Co. (1987 with 1989 supplement)

The Legal Elements of Boundaries and Adjacent Properties, Ray Hamilton Skelton, The Bobbs-Merrill Co. (1930)

Boundaries and Landmarks, a Practical Manual, A. C. Mulford, Carben Surveying Reprints (1977)

Black's Law Dictionary, West Publishing Co.

Writing Legal Descriptions, G. H. Wattles, G. H. Wattles Publications

WEEKLY SCHEDULE

Week One **Ch. 1, 2-2.35, 2.61**

Introduction - objectives and requirements
Definitions of land surveying - NJ, ACSM, etc.
Regulations, licensing, and liability

Week Two **Ch. 2.61, 5, 8**

Sources of law/Nature of laws governing surveying
Legal research for the Land Surveyor - why & how, case law

Week Three **Ch. 16, 7**

Problems of boundary location - sample scenario
Legal research continued
Statutes and Administrative Code
Ordinances
Map Filing Law
The "Roster"

Week Four **Ch. 10, 16.36-16.38**

Nature of land and land ownership - interests, rights, possession
Transfer of land and establishment of boundaries

Week Five **Ch. 12**

Original and retracement surveys
Corner definitions - existent, obliterated, lost
Role of Surveyor in retracement

Week Six **Ch. 5, 6, 7**

Survey evidence - classification and analysis

Week Seven **Ch. 12**

Principles governing location of sequential conveyances
Junior/senior rights

Week Eight **Ch. 11, 9**

Principles governing location of simultaneous conveyances
Remnant rule

Week Nine **Ch. 13**

Misc. retracement problems and rights in property -
Riparian boundaries, wetland legislation
Eminent domain
Vacations, reversions, easements

Week Ten **Ch. 14**

Writing legal descriptions

Week Eleven **Ch. 15, 9, 12.25-12.31**

Preparation of survey plans and reports
Preserving the evidence

Week Twelve **Ch. 11, 17**

New Jersey law
Standards of practice - local, state, national
The Surveyor in court - expert witness or defendant

Week Thirteen **Ch. 3, 4**

Professional Ethics
Liability of the Surveyor - contracts and certifications
Professionalism in Practice

Week Fourteen **Ch. 2.36-2.58**

Public Lands Survey - establishment and retracement
Concept of a cadastre

Week Fifteen

Oral presentation of papers

Academic Integrity Statement:

Students are expected to comply with the college-wide requirements for academic integrity. Mercer County Community College is committed to Academic Integrity—the honest, fair, and continuing pursuit of knowledge, free from fraud or deception. This implies that students are expected to be responsible for their own work. Presenting another individual’s work as one’s own and receiving excessive help from another individual will qualify as a violation of Academic Integrity. The entire policy on Academic Integrity is located in the Student handbook and is found on the college website (http://www.mccc.edu/admissions_policies_integrity.shtml).

Special Needs

Any student in this class who has special needs because of a disability is entitled to receive accommodations. Eligible students at Mercer County Community College are assured services under the Americans with Disabilities Act and Section 504 of the Rehabilitation Act of 1973. If you believe you are eligible for services, please contact Arlene Stinson, the Director of Academic Support Services. Ms. Stinson’s office is LB216, and she can be reached at (609) 570-3525.

