**YOUR COUNTY LETTERHEAD**

January 28, 20xx

Ms. Teresa Jones, PE

City Engineer

Department of Public Works

Anytown, CA 90000

Dear Ms. Jones,

**RE: PRESERVING SURVEY MONUMENTS**

Land is one of California’s most valued and cherished assets. The Legislative Analyst’s Office reports that the assessed value of California’s land is in excess of 4 trillion dollars. The location and configuration of land is derived from land surveys, which employ survey monuments to physically mark the location of property boundaries. Therefore, Survey monuments are vital evidence of property boundaries and critical infrastructure, enabling property to be peaceably enjoyed, further developed, and conveyed with certainty. These monuments are often placed within public rights-of-way and enable public and private property owners to identify the location of public improvements and private land ownership. These monuments are the intellectual property of the public trust and are an invaluable resource for all citizens of California.

Recently the land surveying community has witnessed increased destruction of survey monuments within the public rights-of-way, mainly as the result of public works projects and private developments permitted by public agencies. State law mandates that survey monuments at risk of being disturbed as a result of these improvements shall be located and referenced prior to construction by or under the direction of a licensed land surveyor or registered civil engineer licensed to practice land surveying in the State of California. If any monument is disturbed by the construction, it must be reset by or under the direction of the above mentioned surveyor or civil engineer. A corner record or record of survey must be filed with the County Surveyor per the Professional Land Surveyors Act Business and Professions Code §8771 in both scenarios.

The County Surveyor’s Office is collaborating with the California Land Surveyors Association, County Engineers Association of California’s Survey Policy Committee, and the League of California Surveying Organizations in addressing the preservation of survey monuments. These organizations have designated representatives to assist you with questions you may have regarding monument preservation and the laws defining monument preservation requirements, along with providing examples of best practices from similar agencies. Their contact information is included below. Additional information pertaining to monument preservation can be found of the California Land Surveyors Association’s website at <http://www.californiasurveyors.org/moncon-ls.html>

Your commitment and effort to preserve survey monuments within your jurisdiction is greatly appreciated.

Respectfully,

My Name

County Surveyor

My County

My Address

My phone number

My email

California Land Surveyors Association

2520 Venture Oaks Way, Suite 150

Sacramento, CA 95833

916.239.4083

clsa@californiasurveyors.org

Aleks Jevremovic, Chair

Survey Policy Committee

County Engineers Association of California

1100 K Street, Suite 101

Sacramento, CA 95814

916.327.7500

ajevrem@cosbpw.net

The League of California Surveying Organizations

LCSOSurvey@gmail.com

**CURRENT LAWS REGARDING MONUMENT PERPETUATION**

**Professional Land Surveyors Act – Business & Professions Code §8771**

(a) Monuments set shall be sufficient in number and durability and efficiently placed so as not to be readily disturbed, to assure, together with monuments already existing, the perpetuation or facile reestablishment of any point or line of the survey.

(b) When monuments exist that control the location of subdivisions, tracts, boundaries, roads, streets, or highways, or provide horizontal or vertical survey control, the monuments shall be located and referenced by or under the direction of a licensed land surveyor or registered civil engineer prior to the time when any streets, highways, other rights-of-way, or easements are improved, constructed, reconstructed, maintained, resurfaced, or relocated, and a corner record or record of survey of the references shall be filed with the county surveyor. They shall be reset in the surface of the new construction, a suitable monument box placed thereon, or permanent witness monuments set to perpetuate their location if any monument could be destroyed, damaged, covered, or otherwise obliterated, and a corner record or record of survey filed with the county surveyor prior to the recording of a certificate of completion for the project. Sufficient controlling monuments shall be retained or replaced in their original positions to enable property, right-of-way and easement lines, property corners, and subdivision and tract boundaries to be reestablished without devious surveys necessarily originating on monuments differing from those that currently control the area. It shall be the responsibility of the governmental agency or others performing construction work to provide for the monumentation required by this section. It shall be the duty of every land surveyor or civil engineer to cooperate with the governmental agency in matters of maps, field notes, and other pertinent records. Monuments set to mark the limiting lines of highways, roads, streets or right-of-way or easement lines shall not be deemed adequate for this purpose unless specifically noted on the corner record or record of survey of the improvement works with direct ties in bearing or azimuth and distance between these and other monuments of record.

(c) The decision to file either the required corner record or a record of survey pursuant to subdivision (b) shall be at the election of the licensed land surveyor or registered civil engineer submitting the document.

**California Penal Code §605**

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.

**California Streets & Highways Code §732**

732. Any person who wilfully injures, defaces, breaks down or removes any monument or stake placed, erected or used by the department to designate any point in the boundary or survey of any State highway or proposed State highway is guilty of a misdemeanor.

732.5. Survey monuments shall be preserved, referenced, or replaced pursuant to Section 8771 of the Business and Professions Code.