



# PARALLAX

Newsletter of the Central Coast Chapter of the California Land Surveyors Association

Volume 4, Issue 9

September 2000

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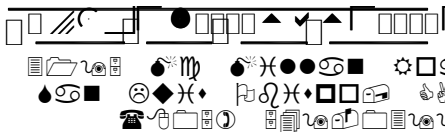
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## SEPTEMBER MEETING NOTICE

Date: Thursday, September 21, 2000  
Time:..... 6:30pm.....no-host cocktails  
.....7:00pm.....business meeting  
.....7:15pm.....dinner  
.....8:00pm.....Program & Speaker

Location: Dorns  
Morro Bay  
801 Market Avenue

Dinner: Menu Below

Cost :\$ includes tax & tip

Dinner : Top Sirloin \$24.05, Salmon \$22.82, Chicken Breast \$19.11, Pasta \$19.11  
Program: Bill Carr of Bill Carr Surveys, Orange County. Bill will talk about underwater slope staking in Morro Bay and roller coaster layout at ?Dizyland? as Bill calls it. He will keep you entertained, dont miss it.

RSVP ASAP with choice of meal to:

Mark Lewis.....544-4011 or 434-3177 leave message or [mark1@jlwa.com](mailto:mark1@jlwa.com)



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# CLSA Central Coast Chapter

## CLSA Board of Directors Meeting July 29, 2000 in Burlingame, CA

State Officers: Michael Butcher, President; Pat Tami, President-Elect; Mark VanZuuk, Secretary; Ray Mathe, Treasurer; Dorothy Calegari, Executive Director.

Chapter Reps: Randy Ellison, Robert Reese, Randy Woodjack.

Alternate Reps: Joe Morris, Tom Vaughan

Chapter Representatives Randy Ellison, Robert Reese, Randy Woodjack in attendance.

Those items, if any, that our chapter (you) must consider prior to the next Board meeting are

**\*\*shown in bold and bracketed in asterisks.\*\***

- A Treasurer's report is available from your reps. Balance sheet, Profit & Loss sheets for the Association are available. Current P & L says Association has gross profit of \$194K and current Expenses of \$113K, for a net income of about \$80K.
- CLSA website remains <http://www.ca-surveyors.org>. Your user ID is "skraps" and the password is "paidup" for member only access.
- There were 122 out of 533 that passed the 2000 LS Exam, a 23% pass rate. The cut score was 476 out of 970, a 49% grade required to pass.
- Chris Russell is back as Legislative Committee Chair. Legislation Committee still tweaking with the Record of Survey legislation.
- There are several additions/changes to 8765 (exemptions) being considered: staking road rights of way, staking easements for roads or utilities, lot line adjustments with a transfer of property by moving a line and no material discrepancies exist, when an interior lot of a mobile home park is surveyed (with certain conditions), and tagging reference points (swing ties). I will try to have copies of the 2001 legislation issues at the next Chapter meeting.
- There are lots of bills being watched. I will try to have a copy of that list at the Chapter meeting as well.
- **\*\*proposed legislation for 2001 is due by October, 2000.\*\***
- A compilation audit is being sought and priced by the Association.
- A replacement for the Consultant to BPELS (Howard Brunner) is needed, as well as the LS member and the PE member. George Shambeck continues as member emeritus and Mike Welch is seeking appointment by Governor Davis as LS member. Letters of support for any of the applicants may be directed to:
 

The Honorable Governor Davis  
Office of the Governor  
State Capitol, 1<sup>st</sup> Floor  
Sacramento CA 95814
- Be sure to copy Mr. Michael Yamaki, Appointment Secretary to the Governor, at the same address.
- There is still a significant movement underway to define surveying within the NCEES model law and constrain it in such a way that much of the GIS spatial mensuration and data collection may be made by non-LS individuals or without the responsible charge of an LS. This is a complex issue and if you wish to have a copy of the comprehensive report by the GIS Liaison, Lee Hennes (San Diego Chapter), you must request it from one of your reps.
- CalSurveyor needs articles. CLSA News needs stuff.
- Joint CLSA-NALS-ACSM-WFED Conference 2001 to be held March 17, 2001, at the Riviera Hotel in Las Vegas. This will be a big one, so if you haven't been, this is a good one to see.
- The Central Coast Chapter continues to submit Quarterly Reports in the Agenda. Thanks, Mark.
- Next Board meeting is November 4, 2000.

Respectfully submitted,

Robert J. Reese

## Circle K Update:

In the June, 2000 Issue of Parallax (CLSA newsletter), there was an article regarding the recent Court of Appeal decision on the Circle K Ranch case in Santa Barbara; specifically, that a "real property Subdivision map recorded before enactment of the state's subdivision laws does not constitute a legally recognizable subdivision lot." On Monday, June 26, 2000 The California Supreme Court denied a request for re-hearing, and de-published it. This means that this case cannot be used as a precedent.


Thank you, Mike Stanton, PLS, RRM Design Group

CLSA

# Measurement Analysis & Adjustments

*presented by Jeremy Evans, PLS*

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- Basics of measurement analysis and least squares adjustments.
- Pre-analysis of the survey network, the determination of typical error sources, input of the survey data, adjustment, and review of the adjustment results.
- In addition, several examples in the use of least squares adjustments on nontraditional survey projects will be presented.

*For further information contact:*  
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P.O. Box 9098  
Santa Rosa, CA 95405  
Telephone: 707/578-6016  
Fax: 707/578-4406  
Email: [clsa@ca-surveyors.org](mailto:clsa@ca-surveyors.org)  
Website: [www.ca-surveyors.org](http://www.ca-surveyors.org)

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**A one-day seminar to be held in two locations**  
**September 22, 2000 — Clarion Hotel, Sacramento**  
**September 29, 2000 — Holiday Inn on the Bay, San Diego**



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## Seller Beware! By Michael Stanton, PLS

Is a seller of real property or their agent responsible for accurately pointing out the boundaries of property for sale? This issue was decided by the California Courts in a 1956 case, *Richard v Baker 141 Cal App 2<sup>nd</sup> 857*.

In 1949, the defendants in this case subdivided their land as Tract 15282 in the County of Los Angeles. The defendants (sellers) showed Lot 9 within this subdivision to prospective buyers. They represented and designated to plaintiffs that the easterly boundary line of said lot (which was the boundary between Lot 8 and Lot 9 of Tract 15282) was indicated at the front by a "marker" in the circular curb of the street, and at the rear by a stake driven in the ground near an electric pole. The prospective buyers (plaintiffs) had no information concerning the boundary between Lot 8 and Lot 9 and relied solely upon the statement of the sellers as to the location of the boundary. Lot 9 was vacant at the time of sale. The plaintiffs purchased Lot 9 and all parties agreed as to the location of the boundary. The new buyer constructed a house on the lot, planted a lawn and shrubbery, installed a sprinkler system, and built a fence and wall along the property line. In July of 1953, the buyers discovered that the representations of the seller as to the boundary of Lot 9 were false and untrue. The true location of the boundary line between Lot 8 and Lot 9 was located 3 feet to the west on the front and 32 feet to the west in the rear. This created a triangular shape, consisting of about 1300 square feet. The buyers were forced to relocate their improvements. Total damages (including the decreased value of the property) amounted to \$5000.

At the trial, the buyer, Wilfred Richard testified that the seller's real estate agent, Mr. Hauck pointed out the boundaries of Lot 9 to them. Mr. Hauck pointed out the boundary lines, indicating that the northeasterly boundary line of Lot 9 was near a telegraph pole and stated at the time; "There is your northeasterly boundary line". Wilfred Richard entered into escrow based on the description of the property in the field as represented by the agent, Mr. Haulk.

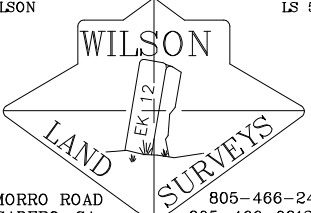
The seller's attorney in this case objected to any testimony that related to parol evidence (oral or verbal evidence) as to the boundaries and that this evidence should not be allowed, since it would contradict the terms of the written document (the deed). The appellate court ultimately disagreed with this logic. To disallow parol evidence in this case would open the door to the worst kind of fraud in the sale of real property, where the seller could defraud the buyer by showing a very desirable property and pointing out the specific corners and boundaries of the property supposedly to the sold, and then later describe the property by lot and tract number of a recorded map, which would be less in size than the property shown, and omit the desirable portions of the property. "The parol evidence was never intended to insure the success of fraud- rather it was to prevent a fraud."

This case (on appeal) was decided in favor of the plaintiffs (buyers). Some important points of this case were as follows:


- 1.) A vendee (buyer) who has been induced to purchase property by fraud or deceit may, upon discovery, either rescind the contract or allow it to stand and sue for damages [141 Cal App 2<sup>nd</sup> 861 (1)].
- 2.) The respondents were the owners and sellers of the property in question, and as such they were presumed to know the areas and boundaries of their own land [141 Cal App 2<sup>nd</sup> 861 (4a)].
- 3.) A prospective purchaser has a right to rely upon the representations of the seller concerning such existing facts and if the vendee suffers damage by reason of such representations, he has a good cause of action against the seller [141 Cal App 2<sup>nd</sup> 861 (5)].

In summary, it is best not to make any representations as to the location of a boundary to a potential buyer of your property, unless you have first hand knowledge of the corner monuments. One resolution to the unknown boundary problem is to have the buyer and seller split the cost of a survey and pays the fee out of escrow. In this way, both parties of the transaction are aware of the exact area of land prior to purchase.

KEN WILSON LS 5571



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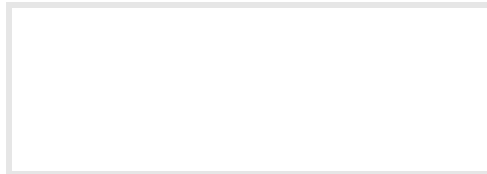
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Questions, articles, advertisements or items of interest should be sent to:  
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