

Chapter 08.48.

ARCHITECTS, ENGINEERS, LAND SURVEYORS, AND LANDSCAPE ARCHITECTS

Sec. 08.48.341. Definitions.

(14) "practice of land surveying" means the teaching of land surveying courses at an institution of higher learning, or any service or work the adequate performance of which involves the application of special knowledge of the principles of mathematics, the related physical and applied sciences, and the relevant requirements of law for adequate evidence of the act of measuring and locating land, geodetic and cadastral surveys for the location and monumentation of property boundaries, for the platting and planning of land and subdivisions of land, including the topography, alignment, and grades for streets, and for the preparation and perpetuation of maps, record plats, field note records, and property descriptions that represent these surveys;

The Judicial Functions of Surveyors

By Thomas M. Cooley

Chief Justice, Supreme Court of Michigan, 1864-1885

If now the disputing parties call in a surveyor, it is not likely that any one summoned would doubt or question that his duty was to find, if possible, the place of the original stakes which determined the boundary line between the proprietors. However erroneous may have been the original survey, the monuments that were set must nevertheless govern,...

QUASI-JUDICIAL CAPACITY OF SURVEYORS

I have thus indicated a few of the questions with which surveyors may now and then have occasion to deal, and to which they should bring good sense and sound judgment. Surveyors are not and cannot be judicial officers, but in a great many cases they act in a quasi-judicial capacity with the acquiescence of parties concerned; and it is important for them to know by what rules they are to be guided in the discharge of their judicial functions.

Lee v. Konrad - Supreme Court of Alaska - August 29, 2014 - 337 P.3d 10

Citing Cooley's "The Judicial Function of Surveyors", a presentation by Justice Cooley to the Michigan Association of Surveyors and Civil Engineers, January 11-13, 1881.

(Regarding Cooley's discussion on acquiescence:) *Justice Thomas Cooley of the Michigan Supreme Court aptly summarized the doctrine as follows: "The long practical acquiescence of the parties concerned, in supposed boundary lines, should be regarded as such an agreement upon them as to be conclusive even if originally located erroneously." Boundary by acquiescence is "a rule of repose, with a view to the quieting of titles," which rests upon the "sound public policy ... of preventing strife and litigation concerning boundaries.*

(Quote from ACSM 1968 Fall Convention papers – Ira M. Tillotson, PE, RLS)

When determining property lines the surveyor places his stakes and presents a plat showing where he believes that the property lines should be, his belief being founded upon what he thinks the court will uphold in the event of litigation involving his survey. He is constantly interpreting what the statutes say and what the courts have determined to be right and wrong, but such interpretation is correct only to the extent to which the courts will uphold it. He is in the unfortunate position of being the middleman who must determine for a client what he thinks the court will accept.