

MEMORANDUM OF UNDERSTANDING BETWEEN  
THE STATE BOARD OF LICENSURE FOR ARCHITECTS, PROFESSIONAL ENGINEERS  
AND PROFESSIONAL LAND SURVEYORS  
AND  
THE COLORADO DEPARTMENT OF TRANSPORTATION

Purpose

The purpose of this memorandum is to clarify the policies and practice of professional land surveying within the Colorado Department of Transportation.

Applicability

This document supersedes any and all prior agreements or memoranda of understanding between the Colorado Department of Transportation ("Department") and the Colorado State Board of Licensure for Architects, Professional Engineers and Professional Land Surveyors ("Board") and its predecessors.

Definitions

1. "Aliquot corner," as defined in C.R.S. § 38-51-102(2), means any section corner or quarter section corner and any other corner in the public land survey system created by subdividing land according to the rules of procedure set forth in C.R.S. § 38-51-103 and the "United States Department of the Interior, 2009 Manual of Surveying Instructions: For the Survey of the Public Lands of the United States".
2. "Preliminary survey" means a land survey conducted by or for the **Department** establishing a land survey control in the field which is used to tie suspected or unconfirmed aliquot corner monuments, boundary evidence, monumented property corners, existing right of way markers, and topography for the purpose of locating and restoring real property boundaries.
3. "Land survey," as defined in C.R.S. § 38-51-102(11), means a series of observations and measurements made pursuant to C.R.S. §§ 38-51-103, 38-51-104, and 38-51-105 for the purpose of locating or restoring any real property boundary.
4. "Right of way plan" means a land survey plat showing the land survey control in relation to aliquot corners, property lines, found monuments, relevant topography and an irregular parcel, defined and described for the purpose of Right of Way Acquisition, which shows all of the information required by C.R.S. § 38-51-106.
5. "Right of way marker" means a monument set by the District used to define corridor or right of way boundaries in the field in accordance with C.R.S. § 38-51-104. Such right of way markers are not to be confused with aliquot corners or corners which define the intersecting property lines with the District boundary.
6. "Monument record," as defined by C.R.S. § 38-51-102(14), means a written and illustrated document describing the physical appearance of a bench mark or survey monument and its accessories.

7. "Irregular parcel," as defined by C.R.S. § 38-51-102(10), means a parcel of land which is not uniquely defined on a subdivision plat but which is described by any of the following methods:
  - a. A metes and bounds description;
  - b. A book and page or reception number reference;
  - c. Any so-called "assessor's tract"; or
  - d. A description which calls only for the owner's or adjoiner's name.
8. "Basic control for engineering projects" means survey markers set on or in the vicinity of a construction project to enable all components of the project to be built in compliance with plans and specifications with respect to the project location, orientation, elevation, and relationship to property, easement, or right-of-way boundaries C.R.S. § 12-120-302(1).
9. "Written property description" means a property description of the location of a property surveyed which meets the requirements of C.R.S. § 38-51-106(1)(i) and may contain a reference to a recorded legal description or plat.

Compliance with Colorado Revised Statutes

The provisions of Articles 50, 51, 52, and 53 of Title 38, and Part 3 of Article 120 of Title 12 of the Colorado Revised Statutes, as amended, apply to the Department's Land Surveyors and the practice of land surveying. It is the intent of this memorandum to affirm the Department is in full compliance with Colorado statutes and the Board's Bylaws, Rules and Policies. The Department shall continue to have the following duties performed under the control and direction of a Colorado licensed professional land surveyor:

1. Establishing land survey control from which the right of way or any boundary will be calculated, described, or monumented.
2. Establishing ties to aliquot corners and restoring, resetting or upgrading aliquot corners according to Board rules.
3. Setting of right of way markers in accordance with C.R.S. §§ 38-51-104 and 105 and 38-53-105. Right of way markers shall be set not more than 1400 feet apart along any straight boundary line as well as at all angle points, at the beginning, end, and points of change of direction or change of radius of any curved boundaries defined by circular arcs. Right of way markers must bear the stamp of the professional land surveyor in responsible charge of setting the marker.
4. Referencing out and resetting of aliquot corners disturbed by construction. If the corner falls within the traffic area of a transit envelope, the monument shall be witnessed in accordance with C.R.S. § 38-51-104(3).
5. Preparing and reviewing of right of way plans or any other type of property boundary plans or property descriptions from data collected by surveyors.
6. Filing of monument records with the Board as required by C.R.S. § 38-53-104.
7. Land survey control diagrams shall be deposited in the appropriate county office in accordance with C.R.S. §§ 38-50-101 and 38-51-107.
8. Right of way plans shall be deposited in the appropriate county office in accordance with C.R.S. § 38-50-101(c) within twelve months after the date the monument is accepted in the field by a professional land surveyor performing a monumented land survey or is set by a

professional land surveyor, and be deposited with the public office designated by the county commissioners and § 38-51-107.

9. Maintaining historical data on all land surveys and right of way plans made by the Department.

#### Further Understanding

The Department shall comply with C.R.S. § 38-51-104(1), which requires that: “The corners of lots, tracts, other parcels of land, aliquot corners not described in subsection (4) of this section, and any line points or reference points which are set to perpetuate the location of any land boundary or easement shall, when established on the ground by a land survey, be marked by reasonably permanent markers solidly embedded in the ground.” The Department shall further comply with C.R.S. § 38-51-104(1)(b), which states: “A durable cap bearing the license number of the professional land surveyor responsible for the establishment of the monument shall be affixed securely to the top of each such monument embedded pursuant to this subsection (1).”

1. The Board and the Department recognize C.R.S. § 38-51-107(2): “No plat shall be required to be prepared or deposited if the monuments accepted or set are within a platted subdivision that was filed in the clerk and recorder’s office within the previous twenty years.”
2. The Board acknowledges the Department's determination that the Department is not required to monument uneconomic remnants or excess right of way, when no land survey has been performed to locate the boundary of such remnants or excess rights of way.
3. The Board further acknowledges the Department's determination that the Department is not required to monument remainder tracts, unsurveyed easements, or ownerships inside or outside of the Department's right of way lines.
4. The Board does not intend to take any legal action to require the Department to monument these remainder or ownership tracts unless the facts of a specific case give rise to a need for monumentation for public protection purposes. If such a special case arises, the Board will contact the Department to coordinate a cooperative effort as the first action toward solving the problem.
5. The Department acknowledges that this memorandum shall not be construed in any way to limit the Board’s authority to regulate the practice of land surveying and licensed professional land surveyors in Colorado, as set forth in the Colorado Revised Statutes.

#### Term

This Memorandum of Understanding shall remain in effect for five years from the date of the last signature below. This MOU may be extended or amended upon written concurrence of the Board and the Department. After a 120 day Dispute/Resolution process, the Board or the Department of Transportation can terminate this MOU with an additional 60 day written notice to the other party. Terminating the MOU would not be retroactive nor affect practices prior to the date of termination.