

# 63<sup>rd</sup> Annual Meeting

OF THE  
MISSOURI SOCIETY OF  
PROFESSIONAL SURVEYORS

**“THE MISSOURI  
COMPROMISE: RETRACING  
THE GLO AND 200 YEARS  
OF AMERICAN SURVEYS”**

OASIS HOTEL & CONFERENCE CENTER  
SPRINGFIELD, MO  
OCTOBER 22-24, 2020

## **SPEAKERS**

Joseph Clayton, PLS  
Dr. Dick Elgin, PLS  
Ron Heimbaugh, PLS  
Gary Kent, PLS  
Harry Styron, JD  
Thompson Webb, PS  
Donald A. Wilson, PLS

## **PLANNING COMMITTEE**

Dan Govero, Susanne Daniel, Joe Clayton and Sandy Boeckman  
along with the Ozark Chapter and Southwest Chapter

# THURSDAY, OCTOBER 22, 2020

(The Annual Meeting education portions will be recorded and available for purchase on the MSPS website at a later date.)

- |                  |  |
|------------------|--|
| 7:00 am          | Registration and Buffet Breakfast  |
| 8:00-5:00 pm     | Hospitality Room Open  |
| 8:00-10:00 am    | <p><b>Railroad Rights of Way—Interests, Rights, and Rail-to-Trails</b></p> <p>Professional Surveyors frequently encounter railroad rights of way in their work as they retrace boundaries, deal with questions of seniority between public roads and railroads, address abandonments or reversionary rights, or guide clients on their needs for easements or licenses over railroad rights of way. In the process they often face confusion over the status of a railroad right of way: Is it a fee ownership or just an easement? Is it abandoned or just inactive? Is it active? How does one know? How does one find Railroad Valuation Maps and vesting deeds? What about "Rails to Trails?" In this session, we will review several judicial decisions regarding railroad rights of way including <i>Preseault v. Interstate Commerce Commission</i> (U.S. Supreme Court, 1990), <i>Howard v. U.S.</i> (2012), several contemporary state cases, <i>Consolidated Rail Corporation v. Lewellen</i>, and <i>Clark v. CSX</i>. We will also exam the National Trails System Act of 1969 and its 1983 amendment in order to better understand the whole of the debate over "Rails to Trails" and how the standing of a railroad's right of way can be perplexing.</p> <p><b>Gary R. Kent, PLS, Schneider Geomatics</b></p>   |
| 10:00-10:30 am   | Break  |
| 10:30-12:00 noon | <b>Railroad Rights of Way continued</b>  |
| 12:00-1:00 pm    | Luncheon   |
| 12:30 pm         | Golf Tournament at Bill & Payne Stewart Golf Course  |
| 1:00 pm          | Clay Shoot at Ozark Shooters Sports Complex  |
| 1:00-3:00 pm     | <p><b>History of 19th Century Surveys in Arkansas 1815-1883 A Lively Heritage</b></p> <p>Surveyors provide the boundary monumentation, plats, and legal descriptions that are indispensable for identifying real property - the single most valuable category of tangible wealth in the American economy. Boundary surveying is the art of applying correct measurement informed by historical knowledge to identifying the <i>correct</i> lines and corners that define a boundary. The federal government's objective in the original 19<sup>th</sup> century surveys in Arkansas (1815-1845) was to raise revenue by selling patents to the undeveloped parcels of the public domain to private individuals thereby giving these settlers title to the land...creating tangible wealth out of ancient and inert wilderness. The surveys of the public domain were not a dispassionate process of imposing a flawless grid on the chaotic wilderness – it was a very human enterprise. Human nature infected and inflected everything. Money was scarce on the frontier. Some of the first fortunes were amassed by deputy surveyors. In a typical year, the federal government sent over \$100,000 dollars to Surveyor General Rector's headquarters in St. Louis for the prosecution of the public land surveys. From the very beginning the surveys of the public domain did not meet the high standards set by the foundational documents of the government's Rectangular Surveys. Treasury Secretary Gallatin sent the 1805 Act to the Surveyor General with a letter of instructions which read in part: "... the principal object which Congress has in view, that the corners and boundaries of the section[s] should be definitely fixed, and that the ascertainment of the precise contents [bearings and distances of the boundaries] of each is not considered as equally important." The paramount object was speedily creating titled land that generated revenue much needed by the new republic. In this early period, the federal government was inclined to accept "crude and inaccurate" surveys.</p> <p><b>Thompson Webb, PS</b></p> |

3:00-3:30 pm	Break
3:30-5:30 pm	<b>History of 19th Century Surveys in Arkansas continued</b>
6:00-8:00 pm	Exhibitor Set-Up

# FRIDAY, OCTOBER 23, 2020

(The Annual Meeting education portions will be recorded and available for purchase on the MSPS website at a later date.)

7:00 am	Registration and Buffet Breakfast with Exhibitors
8:00-5:00 pm	Hospitality Room Open
8:00-10:30 am	<b>Business Meeting &amp; Election of Officers and Directors</b>
10:30-11:00 am	Break to View Exhibits
11:00-12 noon	<p><b>The Retracement of the Osage Treaty Line</b></p> <p>Running from the Missouri River at Ft. Osage to the Arkansas River just north and east of Ft. Smith. This survey pre-dated the sectionalizing of both states few U.S.P.L.S.S. ties were ever made in Missouri and no ties were ever made in Arkansas, but Joe was still able to find many of the original 254 Milepost Mounds and the Cave the line crossed in Arkansas. He will discuss the methods, documentation, his own errors and equipment used to successfully locate original Milepost Mounds along the 203-year old survey.</p> <p><b>Joseph Clayton, PLS, Anderson Engineering</b></p>
12-1:30 pm	Awards Luncheon
1:30-2:30 pm	<p><b>Some Unusual Riparian Boundary Surveys I've Seen</b></p> <p>Much can be learned from reviewing previously accomplished surveys...both the good ones and the bad ones. In this presentation some interesting riparian boundary surveys are reviewed and critiqued. Based on appellate court decisions and the speaker's experiences, some surveys are examined that have confused and perplexed both surveyors and the courts. Re-emergence. <i>Ager limitatus</i>. "All lands south of the south bank." "The line to be 100 feet from the river." Where's the boundary line?</p> <p><b>Dr. Richard Elgin, PS, PE</b></p>
2:30-3:30 pm	<p><b>Financial Liability for Surveyors</b></p> <p>From the standpoint of a real estate lawyer, I will discuss court cases that have resulted in financial liability for surveyors, with attention to prevention of claims and settlement strategies, based on court decisions in Missouri, Arkansas and other states.</p> <p><b>Harry Styron, JD, Styron &amp; Shilling</b></p>
3:30-3:45 am	Break to View Exhibits

3:45-5:45 pm

### **Missouri Standards**

This session will provide a detailed review of the Missouri Standards for Property Boundary Surveys. The standards are the rules issued by the Missouri Department of Agriculture Office of the State Land Surveyor and the Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects and regulate the practice of land surveying in our state. It is vital that all professional land surveyors understand and adhere to the rules in order to provide the “recipient of boundary surveys with a realistic guideline of adequate survey performance” and to protect the surveyor in cases of dispute. This presentation will refresh the PLS and LSIT with a thorough review and will allow the surveyor to evaluate his own performance and responsibility to his client.

**Ron Heimbaugh, PLS, Director, Missouri Department of Agriculture - Land Survey Program**

6:00 pm

Reception with Exhibitors

## **SATURDAY, OCTOBER 24, 2020**

(The Annual Meeting education portions will be recorded and available for purchase on the MSPS website at a later date.)

7:00 am

Registration and Buffet Breakfast with Exhibitors

8:00-5:00 pm

Hospitality Room Open

8:00-12 noon

### **The Treaty and the Land Surveyor**

Using the U.S.-Canada boundary as an example to illustrate the surveying issues that can arise with any treaty, discussion explores first, why it took 59 years to put a map line on the ground (1783 – 1842) and second, why this particular boundary is so important to society today, and its effects on two countries. A review of several of the most important U.S. treaties is included, both international and national in scope.

**Donald A. Wilson, PLS**

12:00-1:00 pm

Luncheon

1:00-5:00 pm

### **The Rectangular System of the East Where it All Began...But Not Quite**

Rectangular systems, conveyancing and surveying actually began during the Roman Empire. Much of that part of the world was established under a system known as Centuriation (100's) and layouts on the landscape in places like France are barely distinguishable from those in the Midwestern U.S., if at all. Centuriation was brought to North America in two phases – conceptionally by British colonists and practically by Thomas Jefferson, who learned the system while in Europe while serving the U.S. in France, and later designed the first systems in America.

**Donald A. Wilson, PLS**

# SPEAKERS

**Joseph E. Clayton, PLS**, started his surveying career doing high order geodetic control surveys for nuclear missiles in Europe. Joe continued his public service working for his home State of Missouri. First with the Missouri Department of Transportation (MoDOT); then at the Missouri Department of Conservation (MDC). Joe worked his way up from entry level surveyor to become the ranking surveyor for both agencies before retiring in 2014. Joe joined Anderson Engineering in 2015 bringing his over 39 years of surveying experience to their team. Joe earned his Missouri Professional Surveyor License in 2001. Joe is a graduate of the U.S. Army Field Artillery Survey School 1980 and has under graduate course studies from: M.S.S.U., M.S.U., Mo. U. of S. & T. and the University of Wyoming. Joe is a member of the National Society of Professional Surveyors. Joe has served the Missouri Society of Professional Surveyors (MSPS) as; Board of Directors Member, Secretary/Treasurer, Vice-President, President and current History Committee Chair. Joe is a founding member of the Southwest Chapter of MSPS and is a Past-President. Joe's passion, ability and skill set for the retracement of original GLO surveys is such; it has led him to successfully retrace the 1816 Osage Treaty line, soon to be published, on his own time for no profit. Joe's current project is the 1825 Arkansas Territorial Line located in present-day Oklahoma.

**Dr. Richard Elgin, PS, PE**, A second generation surveyor, Dr. Elgin was raised in St. James, Missouri and in his late parents' surveying business located in nearby Rolla. After high school Dick joined the Army, went through helicopter flight school, was made a Warrant Officer, and spent 1969 in Vietnam flying the Hughes OH6A Light Observation helicopter "LOH" and the ubiquitous UH-1 "Huey." He flew with the Americal Division and was decorated for service. He remains active in veterans affairs. Following the Army he received the BSCE and MSCE degrees from the Missouri University of Science and Technology (S&T) and his PhD from the University of Arkansas. Leaving Arkansas he joined the faculty of the Department of Civil Engineering at S&T as an Assistant Professor

(1980-1984) and is now Adjunct Professor (retired), having taught surveying courses for many, many years. From 1984 until 2008 Dick was the owner and President of Elgin Surveying & Engineering, Inc. Semi-retired, Dick currently works for Archer-Elgin Engineering, Surveying and Architecture. He is a former member of the Missouri Board for Architects, Professional Engineers, Professional Land Surveyors and Professional Landscape Architects; a Past-President of the Missouri Society of Professional Surveyors; a member of both S&T's and the University of Arkansas' Academy of Civil Engineers; a member of S&T's Order of the Golden Shillelagh; and on the Board of Directors of S&T's Alumni Association. With Drs. David Knowles and the late Joe Senne, Dick coauthored the Celestial Observation Handbook and Ephemeris and codeveloped the "ASTRO" celestial observation software products. With David Knowles, he coauthored Legal Principles of Boundary Location for Arkansas and The U.S. Public Land Survey System for Arkansas. Dick is the author of The U.S. Public Land Survey System for Missouri and Riparian Boundaries for Arkansas. Dick was Arkansas' surveying and mapping expert in a state riparian boundary dispute with Mississippi, decided by the U.S. Supreme Court. See *Arkansas v. Mississippi*, 471 U.S. 377 (1985). He is an avid collector and researcher of early American surveying equipment, and owns one of the largest private collections of such equipment in the United States. He and his wife enjoy touring by bicycle, RV or in their perfectly restored 1976 Alfa Romeo GT 1600 Junior or 1967 Austin Cooper 1275 S or 1962 Austin Healey Sprite.

**Ron Heimbaugh, PLS**, is the Missouri State Land Surveyor and the Director of the Department of Agriculture's Land Survey Program. He earned a Bachelor of Science degree in Industrial Technology from the College of the Ozarks in 1990 and later completed surveying coursework at the University of Missouri - Rolla (Now known as Missouri University of Science and Technology). He has nearly 30 years of surveying experience between the private sector and state government. Ron began his surveying career in

# SPEAKERS

1990 and was employed with Rolla area civil engineering and land surveying firms for 17 years. During this time he was involved in every facet of the surveying profession. In 2008, he accepted a position as a project surveyor with the Land Survey Program. Then, in 2013, he became the Field Surveys Section Chief and was promoted to State Land Surveyor and Director of the Land Survey Program in 2017. Ron is currently a member of the Missouri Society of Professional Surveyors Board of Directors, the Missouri Society of Professional Surveyors Standards Committee, and the Rolla Technical Institute Advisory Board.

**Gary R. Kent, PLS**, Schneider Geomatics, is in his 38<sup>th</sup> year with Schneider Geomatics in Indianapolis - having transitioned to part-time status this year - and, also provides training, consulting and expert witness services as manager of Meridian Land Consulting, LLC. He has served on the Indiana State Board of Registration for Professional Surveyors since 2004 and is a past-president of both ACSM and the Indiana Society of Professional Land Surveyors. Gary has presented programs on boundary law, easements and rights of way, surveying standards and practice, and leadership in all 50 states.

**Harry Styron, JD**, has been a real estate lawyer and involved in real estate development and transactions in Oklahoma and Missouri since 1983. Much of his work in the past 25 years has been in the Missouri counties south and west of Springfield. He has prepared subdivision covenants for more than 150 subdivisions and 50 condominiums, mostly around Table Rock Lake.

**Thompson Webb. PS**, Arkansas Professional Surveyor #1032, served on the Arkansas Board of Registration from 1998 to 2002 and is past-president and life member of the Arkansas Society of Professional Surveyors. He is licensed in Arkansas, Missouri, and Mississippi and is a long time member of the professional societies in those states. Surveying assignments during his 40 year career took him from

Louisiana to Alaska and from Kansas to Florida. Numerous articles he has written on surveying topics have been published in *The Arkansas Historical Quarterly*, *The Independence County Chronicle*, *POB Magazine*, *Professional Surveyor Magazine*, and *Point of Intersection*, the quarterly newsletter of the Arkansas Society of Professional Surveyors. Tom retired from active surveying in 2015 and resides in Fayetteville, Arkansas, continuing to study the history and development of the Public Land Survey System.

**Donald A. Wilson**, president of Land & Boundary Consultants, has been in practice for over 50 years, consulting to groups throughout the United States and Canada. He is both a licensed land surveyor and professional forester, having conducted more than 500 programs on a variety of topics, including description interpretation, boundary evidence, law, title problems, and forensic procedures. Mr. Wilson has more than 200 technical publications in several areas, and has been involved with over 60 books, which include titles on Maine history and several books on fishing. Besides being co-author of ***Evidence and Procedures for Boundary Location*** and ***Boundary Control and Legal Principles***, he is author of ***Deed Descriptions I Have Known....But Could Have Done Without, Easements and Reversions, Interpreting Land Records*** and ***Forensic Procedures for Boundary and Title Investigation***. His latest titles are ***Easements Relating to Land Surveying and Title Examination, Boundary Retracement, Processes and Procedures*** and a co-authorship entitled, ***Land Tenure, Boundary Surveys and Cadastral Systems***. Don is an instructor for RedVector's on-line professional courses and a former presenter in the University of New Hampshire's Professional Development Program. He is part owner of and lead instructor in Surveyors Educational Seminars. In his professional practice, Don has testified numerous times, in a variety of courts, on boundary and title matters.

## REGISTRATION

Name \_\_\_\_\_ RLS # \_\_\_\_\_

Firm \_\_\_\_\_

Address \_\_\_\_\_

City/State/Zip \_\_\_\_\_

Phone \_\_\_\_\_ Email \_\_\_\_\_

### MSPS Member Convention Registration Fees

<b>Member Registration - 3 Days</b>	<b>\$330.00</b>	<b>\$ _____</b>
Thursday Only	\$110.00	\$ _____
<i>Thursday AM/PM Only (circle one)</i>	\$55.00	\$ _____
Friday Only	\$110.00	\$ _____
Saturday Only	\$110.00	\$ _____

### Non-Members

<b>Non Member Registration - 3 Days</b>	<b>\$550.00</b>	<b>\$ _____</b>
Thursday Only	\$200.00	\$ _____
<i>Thursday AM/PM Only (circle one)</i>	\$100.00	\$ _____
Friday Only	\$150.00	\$ _____
Saturday Only	\$200.00	\$ _____

### Optional Activities

<b>Golf</b> (Includes Cart & Two Mulligans)	<b>\$85.00</b>	<b>\$ _____</b>
<b>Golf Sponsor</b>	\$100.00	\$ _____
<b>Clay Shoot</b> (per shooter/50 targets)	<b>\$60.00</b>	<b>\$ _____</b>
<b>Clay Shoot Sponsor</b>	\$200.00	\$ _____

***Sub-Total*** \$ \_\_\_\_\_

10% Surcharge for Late Registration (After 9/30) \$ \_\_\_\_\_

**Grand Total \$ \_\_\_\_\_**

### Payment Information

☐ Charge my Credit Card    ☐ Check Enclosed    ☐ Invoice my Organization

Credit Card # \_\_\_\_\_ Exp. Date \_\_\_\_\_ CVV Code \_\_\_\_\_

### Mail Registration Form with Payment to:

MSPS, 722 E. Capitol Avenue, Jefferson City, MO 65101

Fax: 573-635-7823 ~ Email: [msps@missourisurveyor.org](mailto:msps@missourisurveyor.org)

**Registration Deadline: September 30, 2020**

(The Annual Meeting education portions will be recorded and available for purchase on the MSPS website at a later date.)



## REGISTRATION INFORMATION

Registration fee is \$330 for Members and \$550 for Non-Members. **The deadline for registrations is September 30, 2020.** After this date, a 10% processing fee will be added to all registration fees. The fee includes instructional materials, refreshment breaks, a luncheon each day(3), a cocktail reception and three buffet breakfasts. To register, complete the attached registration form and mail, fax or email it with your payment to MSPS.

The Annual Meeting education portions will be recorded and available for purchase on the MSPS website at a later date.

### MSPS

722 E. Capitol Avenue  
Jefferson City, MO 65101

Phone: 573-635-9446

Fax: 573-635-7823

[mmps@missourisurveyor.org](mailto:mmps@missourisurveyor.org)

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## GOLF TOURNAMENT

The Golf Tournament benefitting the MSPS PAC Fund will be held at Bill & Payne Stewart Golf Course.

You may pick a partner or a foursome. If you do not have a partner, one will be provided to you. The format is a four-person scramble with a shotgun start.

The cost is \$85 per person and includes 18 holes, a cart and two mulligans.

**Bill & Payne Stewart Golf Course**  
1825 E. Norton Road  
Springfield, MO 65803

## CLAY SHOOT

The 5 Stand Sport Clay Shoot benefitting the MSPS Scholarship Fund will be held at Ozark Shooters Sports Complex. A Henry Rifle will be raffled off in collaboration with the clay shoot fundraiser. The clay shoot will consist of 50 targets. 50% of the registration fees will go to pay for 1st, 2nd and 3rd place prizes. Shoot will start at 1 pm and a box lunch will be provided to all participants.

**Ozark Shooters Sports Complex**  
759 US Hwy 65  
Walnut Shade, MO 65771

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## LOCATION & LODGING

Oasis Hotel & Convention Center, Springfield, MO, is the site for the 2020 Annual Meeting of the MSPS. A special room rate of \$104.00 (single or double rooms) has been extended until

**September 22, 2020.**

Reservations can be made by calling 888-532-4338. Parking is complimentary for all guests and attendees. Ask for the conference special rate and identify yourself with MSPS when making reservations.

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## SPOUSE HOSPITALITY ROOM

A hospitality room will be provided on Thursday, Friday and Saturday from 8 am to 5 pm. Please see the registration desk for hospitality room location. A map of Springfield will be available at the registration desk.

## CANCELLATION POLICY

MSPS reserves the right to cancel the program and return all fees in the event of insufficient registration. A participant may cancel a registration at any time, but a \$25 processing fee will be applied to all refunds.

**NO REFUNDS WILL BE ALLOWED AFTER September 30, 2020.**

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## CONTINUING EDUCATION

This course has been approved for 21.0 Professional Development Units (PDUs) by the Missouri Board of Architects, Professional Engineers, Professional Land Surveyors and Professional Landscape Architects (2.0 hours of Standards).

**PDU breakdown on days is as follows:**

**Thursday - 8.0 PDUs**

**Friday - 5.0 PDUs**

**Saturday - 8.0 PDUs**

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## FOR MORE INFORMATION

Contact Sandra Boeckman,  
MSPS Executive Director,  
at 573-635-9446.

**Please send all registration information to:**  
**MSPS**

**722 E. Capitol Avenue**  
**Jefferson City, MO 65102**

**Fax: 573-635-7823**

[mmps@missourisurveyor.org](mailto:mmps@missourisurveyor.org)