

Cleveland Surveying News

June 2009

- Golf Outing Form
- June Social Dinner Info

Pictured:

Tom Watson during
the pro-am at the
2009 Senior PGA
Championship, held at
Canterbury Golf Club

**Friday June 26
William J. Haas**

**Memorial Golf
Tournament**



Cleveland Chapter of PLSO

**P. O. Box 81713
Cleveland, OH 44181-0713**

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2009 Executive Committee

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Last month my column focused on the imminent threat to our profession posed by affiliated business arrangements, specifically survey procurement firms owned by Lenders, Title Companies and Realtors. In that column I mentioned potential RESPA violations in these arrangements, and since that time have fielded questions about RESPA in general. My column this month should serve only as a brief overview of RESPA, as I am not qualified as an expert in this complex area. In addition, I would like to note that on May 8th of this year the U.S. House of Representatives passed the Mortgage Reform and Anti-Predatory Lending Act, HR 1728. This bill includes an amendment calling on HUD to withdraw the RESPA final rule. It is their stated intention to work with HUD to create stronger rules to protect the consumer. So, although I am attempting to give you a very brief overview of RESPA, I can also say, it appears things are going to change in the coming year.



Timothy Feller
President

RESPA - Real Estate Settlement Procedures Act - is a federal statute enacted by the U.S. Department of Housing and Urban Development in 1974 that governs the real estate settlement process. There have been many additions and revisions to RESPA since its inception, and HUD is now trying to come up with its final rules. The RESPA statute covers residential mortgage loans (up to four family residential properties), but not commercial loans. The goal of the rule is to outline the settlement process and ensure that borrowers are fully informed about all closing costs, escrow practices, and business relationships between closing service providers and others involved in the transaction. It is their intent to eliminate illegal activity such as kickbacks and referral fees among settlement service providers.

Section 8 of RESPA specifically relates to settlement service businesses such as Land Surveying. Section 8 expressly prohibits a person from **giving** or accepting anything of value for referrals of settlement services. It also prohibits a person from **giving** or accepting any part of a charge for services that are not performed. These would be considered kickbacks, unearned fees or fee- splitting arrangements. Criminal and civil penalties for violating Section 8 could be as much as \$10,000 and up to one year in jail.

In my opinion, I believe a surveyor may be in violation RESPA Section 8 regulations if they knowingly provide a survey for less than market value to a company that is going to mark that survey up to the consumer in order to provide revenue to the ordering entity – the Title Company, Lender or Realtor. It would also be a violation to enter into an agreement with one of these entities offering to form an affiliated business, increase our fees to the consumer and split the profits from the inflated fee structure within the affiliated business with the other entities. The consumer is gaining nothing from the increased fees and we are providing no additional services.

This is only my opinion.

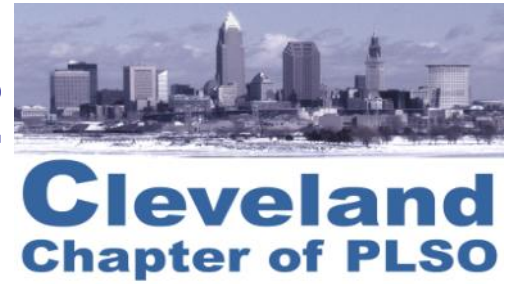
I am asking all of you to get involved, educate yourself on what is happening in the Title Settlement Services Industry (which includes us), and voice your opinion not only to our own governing board, but to your local Senators and Congressmen, who may hold the key to protecting the integrity of our Industry, and as such our livelihood.

Timothy Feller, P.S.
Chapter President



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Rick Ziegman, Golf Co-Chairman

Thursday June 4th

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[Click Here](#) for a full map page to the PJ's.

We've all had our fill of continuing education for a while, so come out for a night of good ol' socializing and story telling. Share your summer outlook with other surveyors for a reasonably priced dinner.

PLSO's new executive director Melinda Gilpin will attend and share her website upgrade ideas and plans to move PLSO forward.

Schedule

5:30 Socializing
6:15 Dinner
7:00 President's comments
7:05 Melinda Gilpin's address
7:25 More socializing

Menu

Entree Choices:

1. Two Grilled Chicken Breasts - Sautéed with a Mushroom Marsala Sauce and served with Garlic Mashers and Seasonal Vegetables
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Eric Short
Program Trustee

RSVP by **Monday** June 1st

Contact Program Trustee:

Eric Short 440-366-9618 shorte@windstream.net

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Robert Hoy
Communication
Trustee

The 2009 issue 1a of the **Cleveland Land Surveyor** has been mailed to 20 building departments of the larger cities mainly in Cuyahoga County and also a few in Lorain County. This 10-page publication's main goal is to publicize our profession.

This issue included an introduction to PLSO written by Past President Peter D. Zwick, an article describing differences between mortgage location surveys and boundary surveys by President-Elect Mike Straub, the golf outing registration form, and informative portions from previous **Cleveland Surveying News** issues. About 25 copies of issue 1b will be sent to more building departments in a couple of weeks.

Have an idea how the Cleveland Chapter could promote professional land surveying? Contact the executive committee, our phone numbers and email addresses are on [Page 2](#). Even better, come talk to us at the [June 4th dinner night-out at PJ McIntyre's Irish Pub!](#)

Executive Meeting Highlights

Executive Committee Meeting highlights – May 18, 2009 Parma City Hall.

In attendance: Jack Hoy and all officers except Peter Zwick and George Hofmann.

Communication: Bob Hoy reported the first issue of the Cleveland Land Surveyor has been sent out. Bob submitted a request for reimbursement of the newsletter supplies.

Education: The scholarship application form, deadline and selection process were discussed.

Program: Mark Yeager donated his honorarium from the May CPD meeting to the scholarship fund. Executive Director Melinda Gilpin will be extended a special invitation to attend the June 4th meeting.



Michael Ackerman
Secretary

The Executive Director will be in town to help visit conference locations.

Condolences and donation will be made to George Hofmann and family for the loss of their son.





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G. I. S. Layers

By Joshua Appleman, GISP
jappleman@blrobinson.com

My name is Joshua Appleman and I am the GIS Coordinator for B.L. Robinson Engineering and Surveying located in Akron, Ohio. In the upcoming issues of the *Cleveland Surveying News*, I will be contributing content and interacting with readers on their experiences and questions as they relate to GIS. I have been with B.L. Robinson since 2007, and in January of 2009, I earned my GIS Professional Certification (GISP) from the GIS Certification Institute (GISCI). B.L. Robinson was established in 1997 and added a geospatial division in 2007, this division specializes in training surveyors, and other GIS professionals on the use of GPS equipment and methods of viewing and manipulating their data in a geospatial environment. Our clients utilize our custom framework data, which provides them with a basic data "foundation" needed by users of geographic information systems (GIS). These framework data layers also provide integrated information for analysis of issues and decision-making at all levels of government, private agencies, and businesses.

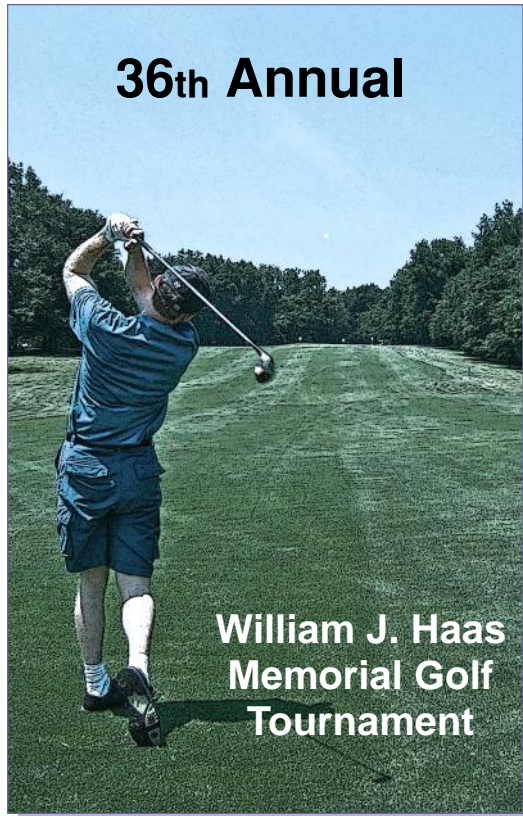
With this brief introduction, I would like to explain what a GISP Certification is, and its significance to the Land Surveyor. A GISP Certification can be earned through the GIS Certification Institute (www.gisci.org). The GIS Certification Institute has more than 4,300 registered GISPs and the number is growing. There are 167 GISPs registered in the state of Ohio. The organization has a board of directors, bylaws and reputable member organizations including: The Association of American Geographers (AAG), and The Urban and Regional Information Systems Association (URISA, www.urisa.org). GISCI looks to identify GIS Professionals and separate them from "casual users" of the technology. GISCI refers to non-certified GIS users as "practitioners".

A GISP Certification can be earned based on the achievement of three categories: Educational attainment, professional experience and contributions to the profession. Each category is point-based and requires self documentation of the applicant. URISA spent approximately four years developing the points system. There are three components to the educational achievement section including:

- Credential Points (Degrees in any field)
- Course Points (Geospatial technology courses)
- Conference Attendance Points (Days spent at relevant meetings and conferences)

The GIS Certification Institute provides worksheets to organize the applicant's information and calculate their points. Once a GISP Certification is achieved, it is renewed every five years and applicants must earn the points in areas of education, professional experience, and contributions to the profession and flex points. What is the significance of a GISP to the Land Surveyor? GIS offers new and exciting opportunities to the land surveyor and hopefully this technology is embraced, studied, and utilized. Brent Jones, PE, PLS, Industry manager at ESRI was quoted as saying "I know that a shiver runs up the back of many professional land surveyors at the sound of that word, GIS. But now is the time for us, with all of the talents and knowledge we possess as professional land surveyors, to help make GIS better and raise it to a level where GIS is survey grade in positional accuracy and quality!"

An upcoming GIS event for the Land Surveyor is the 2009 ESRI Survey & Engineering GIS Summit to be held July 11–14 at the San Diego Convention Center in California, www.esri.com/events/survey Look it up today!



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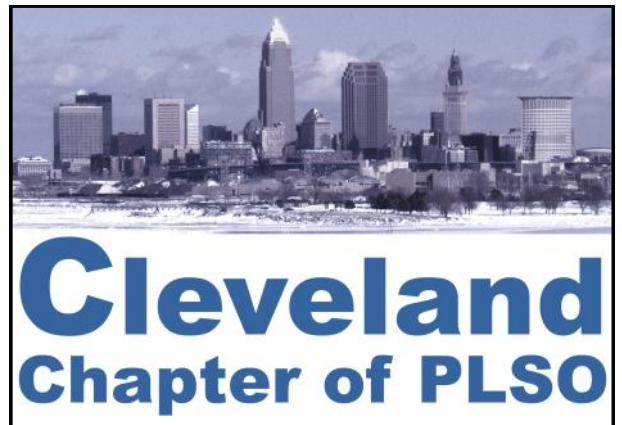
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We are preparing 3 CPD seminar dinner meetings for this fall. One speaker will be John Greenhalge, executive director of the State Board of Registration of Surveyors and Engineers. He wants input on which topics we would like him to speak on. Please send me an email with your ideas and questions for John.

A make-up CPD session for the *Spring Subscription* subscribers is also in the works for later this year. Those members will be notified with the details when they become available.

Eric Short
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Eric Short
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RANDOM LINES

by John E. Dailey, P.S.

I know I said we would have some of the comments about Joshua Varney's 1911 paper for the Cleveland Engineering Society, but maybe it is time for a change of pace.

Bridges seem to be a major topic right now, especially with the concern over the Innerbelt bridge across the Cuyahoga Valley. Everyone seems to be stumbling along looking for a viable solution. They will find it, but it will still take time. Hopefully nothing happens in the mean time.

Bridges have always been a problem in Cleveland. In the mid 1830's, there were no bridges across the Cuyahoga River to link Ohio City and Cleveland. Ohio City, incorporated two days before Cleveland in 1836, was making a concerted effort to become the commercial center in this area. The layout of Ohio City around Franklin Circle was drawing a lot of attention, especially since all the traffic from the southwest came into Ohio City along the Medina-Wooster Turnpike (we now call it Pearl Road) that at that time terminated in Ohio City. The Ohio City development was designed and laid out by Ahaz Merchant, an early surveyor in the Cleveland Area and then long time County Surveyor and City of Cleveland surveyor. (See Varney's paper)..

In order to move goods more easily across the river, a floating bridge was constructed at Center Street, just about where the current Center Street bridge stands. This bridge was jointly owned by Cleveland and Ohio City.

Some Cleveland speculators, being very concerned about losing the advantage of having the seat of county government in Cleveland, began to develop an area called Cleveland Center. This is in the Flats at Oxbow Bend and had streets call Columbus, Commercial and Merwin plus others. Their hope was to build this into the commercial center of the Cleveland area. In order to accomplish this, they had to divert the traffic off of the Medina-Wooster Turnpike and away from Ohio City which was a little ways north.

In April, 1836, the land speculators built the first permanent bridge across the Cuyahoga linking the west side with Columbus Street on the east side. This covered bridge was 200 feet long, 33 feet wide and 24 feet high. There was a draw in the middle allowing boats up to 49 feet wide to pass through. The speculators then gave this bridge to

the City of Cleveland.

Since they would be losing business, the Ohio City residents boycotted the new Columbus Street bridge. In retaliation Cleveland City Council had their half of the Center Street Bridge removed. This led to the "Cleveland Bridge War" in the spring of 1836.



John E. Dailey

The Ohio City residents took up the battle cry of "two bridges or none", declared the Columbus Street bridge a nuisance and proceeded to cut away the southern draw of the bridge. The Ohio City contingent tried to blowup the western end of the bridge but the blast did little damage.

About 1000 Ohio City residents arrived at the bridge with dug ditches across the bridge approach in order to stop any horses or wagons from crossing. Not satisfied with this, the Ohio City group converged with guns, axes and crowbars, intent on demolishing the bridge. They arrived only to be met by Cleveland Mayor John Willey and the Cleveland militia. A riot ensued.

Thankfully, the County Sheriff arrived, made several arrests and stopped the riot. A court injunction was issued and the violence ended as the situation moved to the courts. During the court proceedings, an armed guard from Cleveland was posted on the bridge to protect it until the case could be settled.

The court ruled that there should be more than one bridge across the Cuyahoga and the "Bridge War" was put to rest.

This was one of the more exciting events in early Cleveland history, but the damage was done. Ohio City was never able to rival Cleveland in importance and was finally annexed to Cleveland in 1854. Though peace prevailed, there is still to this day a certain amount of agitation between the east and west sides.

The Cleveland Center project never did reach its hoped for potential, the speculators went bust and the properties were sold at Sheriff's sale in 1837.

That is the history story for this month.

[John E. Dailey](#), Past

Stories from the Past... (Presidents)

This is "The Case of the Amorous Heifer."

Many years ago when I was still an instrument operator, we were working on a cross country survey for a new pipeline. I found out on this project just how nosy animals can be. As we moved across the field, the horses in the next field lined the fence to watch us and even moved along with us, I think they were enjoying themselves.

In our field was a small herd of young cows. I was setting up the transit (you remember what those are don't you?) when I felt a nudge. I looked behind me and there was a young heifer pushing me. I pushed her away and went back to work. I felt another nudge and there she was again. I pushed her away again and started to take a sight. A few minutes later I felt her again, this time she was leaning against me.

I hated to break her heart, but we continued on with our work, finished and left her in a lurch. I hope she was not too mentally scarred by my leaving her.

John Dailey
Chapter Past President 1977

Note: Other Past Presidents reminisce over your careers and find a good story to share. The more we communicate with each other the closer we become. Email your stories to the [CSN Editor](#).



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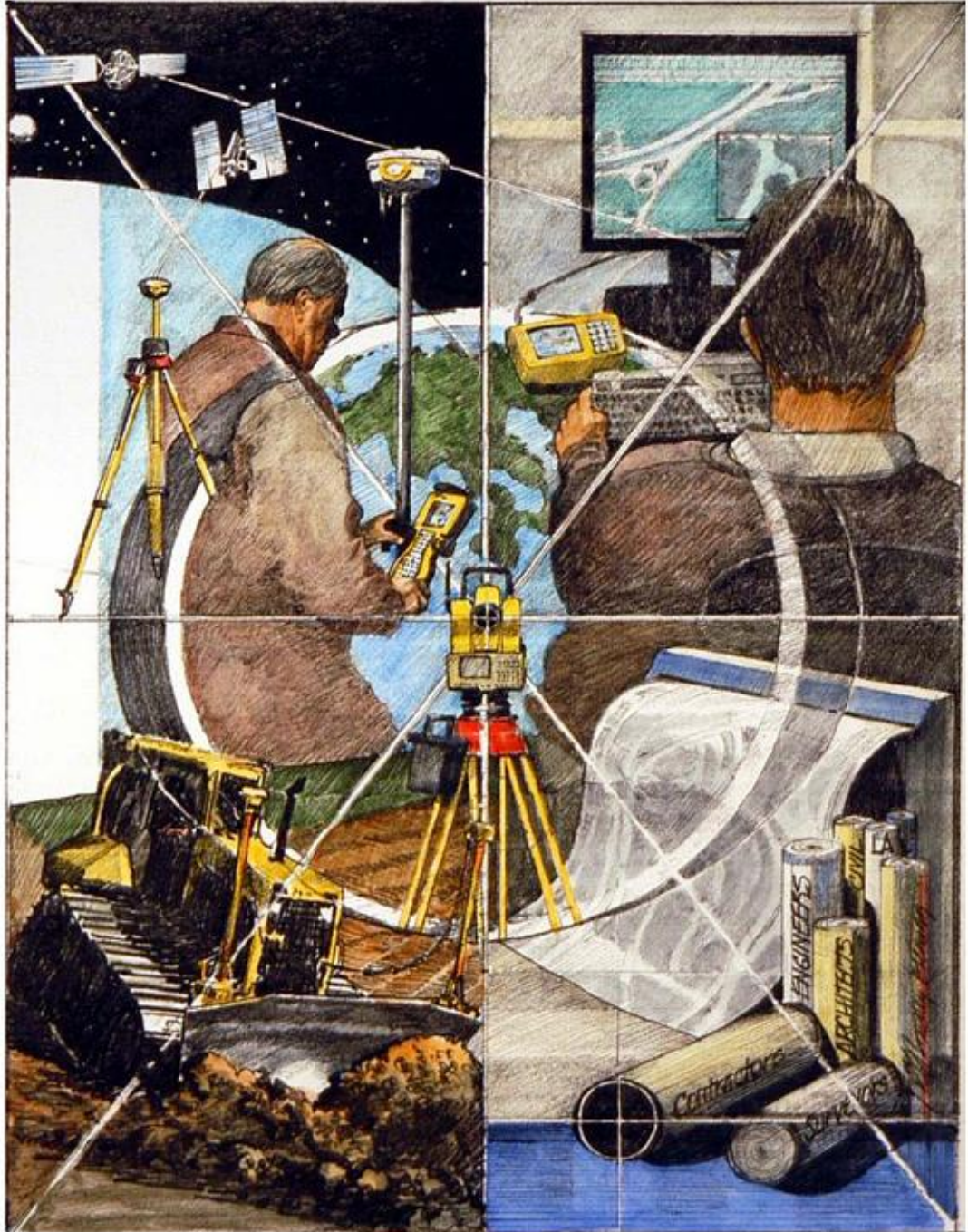
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2011 Conference Committee Report

We will be visiting potential host hotels with PLSO executive director Melinda Gilpin on May 28th.

Our conference committee is:

Chairman	John G. Hoy	jhoy.7419@att.net
Program	Robert Hoy	k666@cox.net
Registration	Joseph O'Donnell	joeodonnps1@sbcglobal.net
Hospitality	Timothy Feller	timf@mcsteen.com
Benefit/Auction	Michael Straub	mikes@straubsurveying.com
Facility	Ken Hejduk	kenh@hca-es.com



John G. Hoy, P.S.
2011 Conference
Chairman

MEETING AGENDA Friday, May 15, 2009

4.0 Unfinished Business

- 4.1 Surveyor of the Past Plaques - Barb Jones
- 4.2 Website Proposal - Paul Dinan & Melinda Gilpin
- 4.3 Soil Scientists Issues - Dean Frederick
- 4.4 Proposed Removal of PS Requirement for County Engineer - Dean Frederick
- 4.5 Statute of Limitations - Rose Coors
- 4.6 NSPS Boy Scout Jamboree Request - Mike Besch

5.0 New Business

- 5.1 New Members (See Attached List) - Bob Akins

6.0 Inter-Association Delegates

- 6.1 CEAO - Dean Ringle
- 6.2 ODOT - Jim Kenyon/Brett Shearer
- 6.3 State Board of Registration - Paul Dinan
- 6.4 OGRIP - Stu Davis

7.0 Committee Reports

- 7.1 Special Committees
 - 7.11 Political Action - Brad Kramer
 - 7.12 Standards - Brad Kramer
 - 7.121 Change in Law Regarding Metes and Bounds
 - 7.122 Monumentation of Railroads
 - 7.123 Preservation of Monumentation
 - 7.13 State Line - Dean Ringle
 - 7.14 Historic Review - Mike Besch
- 7.2 Newsletter Editor - Don Friemoth
- 7.3 NSPS Governor - Mike Besch
 - 7.31 Trig Star - Paul Dinan
 - 7.32 CST Coordinator - Pat Leonhardt
 - 7.33 Geocaching Coordinator - Bob Akins
- 7.4 Standing Committees
 - 7.41 Program - Bud Payne
 - 7.411 Annual Conference Updates
 - 2009 - Central Ohio Chapter - Brad Patridge
 - 2010 - Miami Valley Chapter - Brad Kramer
 - 2011 - Cleveland Chapter - John Hoy
 - 2012 - Central Ohio Chapter - ?
 - 7.412 Fall Seminar Updates
 - 2008 - Scioto Valley Chapter - Loren Purdom
 - 2009 - Thomas Hutchins Chapter - Dan Susany
 - 2010 - Firelands Chapter
 - 2011 - Tuscarawas Valley Chapter - Bob Akins

- 2012 - Toledo Chapter - Pat Leonhardt
- 7.42 Membership - Bob Akins
- 7.43 Interprofessional Affairs - A. J. Myers
- 7.44 Education - George Armstrong
- 7.45 Legislation -
- 7.46 Finance - Bob Emsberger
- 7.47 Past Presidents Council - Brad Kramer, et al.
- 7.48 Scholarship - Rion Myers
- 7.49 Scholarship Fund Board
- 7.50 Management Review - Dean Frederick

8.0 Chapter Delegate Reports

- 8.1 Askega Chapter - Jim Donathan
- 8.2 Central Ohio Chapter - Brad Patridge
- 8.3 Cincinnati Chapter - Bob Heidkamp
- 8.4 Cleveland Chapter - George Hofmann
- 8.5 Congress Lands Chapter - Isaac King
- 8.6 Firelands Chapter - Tim Riley
- 8.7 Miami Valley Chapter - Ray Payne
- 8.8 Mohican-Killbuck Valley Chapter - Jim Kenyon
- 8.9 Muskingum Valley Chapter - Rob Lowe
- 8.10 Northwest Ohio Chapter -
- 8.11 Ohio State University Student Chapter - Jon Link
- 8.12 Ohio Valley Chapter - Larry Gardner
- 8.13 Scioto Valley Chapter - George Seymour
- 8.14 Southwestern Chapter - Rose Coors
- 8.15 The Thomas Hutchins Chapter - John Francis
- 8.16 The Univ. of Akron Student Chapter - Andrew Kis
- 8.17 Toledo Chapter - Tom Silva - Pat Leonhardt
- 8.18 Treaty Lands Chapter - John Jauert
- 8.19 Tuscarawas Valley Chapter - Dave Bodo
- 8.20 Western Reserve Chapter - Jeff Mallison

9.0 President-Elect's Report - Rion Myers

10.0 Executive Director's Report - Melinda Gilpin

- 10.1 Assistant Executive Director's Report - Barb Jones

11.0 President's Report - Dean Frederick



George Hofmann
Delegate

Executive Committee Meeting Friday May 15, 2009

Meeting called to order 6:02

2.0 Minutes for March and April 2009 were submitted and approved.

Minutes for the September 2008 and January 2009 meetings are still outstanding.

3.0 Treasurers report was submitted two possible errors were noted report was tabled for clarification.

4.2 Melinda Gilpin submitted quotes for the proposed web site from 4 companies. Cost was from \$5,600 to \$15,900. Cost to host site for one year was from \$300 to \$900. The low quote did not address all items asked for in the specifications. A motion was passed to direct Melinda to negotiate with the 4 firms and negotiate a contract not to exceed \$10,000. The cost will be taken out of Item 803 Administrative Assistant payroll which is not expected to be used this year.

4.3 Soil Scientists Issue. State Board will meet May 20th to further discuss this. The Board of Health will be present for this meeting. The board continues to investigate 5 cases related to this issue.

4.6 Boy Scout Jamboree: Motion passed to donate \$695.

5.1 New Members: Motion passed to accept 2 Professional, 6 Associate and to re-instate 2 members

5.2 Norfolk and Southern Railroad no longer making Evaluation Maps available. A private individual may have these available for a fee.

7.2 newsletter was sent to printer 5-14-09. Next newsletter scheduled for August.

7.46 Finance: Paul Dinan looking into the possibility of splitting up dues into 3 payments. First payment would be the Chapter dues the next two the state dues.

Respectfully submitted,
George A. Hofmann



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Guess who reads the Cleveland Surveying News? The Lorain County Auditor's G.I.S. Manager, Marty Rowe, that's who. Marty was very interested in our recent CSN reviews of other counties' Geographic Information Systems. Marty and our own Mark Yeager, P.S. teamed up to present their seminar entitled "Lorain County's G.I.S. and Geodetic Monumentation System" to about thirty of our members on May 7th.

Mark described in great detail how his firm, KS Associates, Inc. has recently completed a multi-year project to set about fifty geodetic monuments each year throughout the County. The monument network now has 586 individual monuments, including some set previously by others. Often set in intervisible pairs, they are 12" diameter concrete monuments (48" deep) with a steel rebar core and bronze identification disk on top. Mark's firm actually augured and poured many of the installations – he made a few remarks about the reliability of O.U.P.S. markings for construction.

All the monument data is accessible from the Lorain County Auditor's G.I.S. on the internet, of course. The coordinates of the newer monuments are published according to NAD 83 with 2007 adjustment (NSRS 2007) horizontal datum, and NAVD 88 vertical datum. Mark cautioned that coordinates derived by GPS such as these are accurate to about ± 0.02 foot (horizontal) and ± 0.1 foot (vertical). Also, don't forget to apply the Scale Factor when relating ground measurements to Ohio State Plane Coordinates such as these.

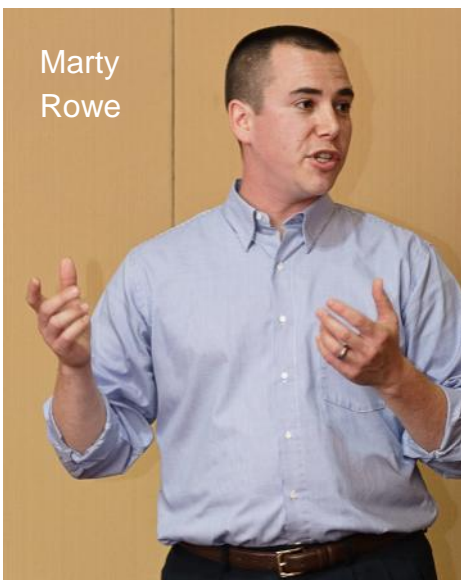
Marty's portion of the presentation described the historical process that led from the original linen Tax Maps, to mylar Tax Maps, to AutoCad-based Tax Maps, through today's ArcGIS server ESRI geodatabase. He swears that all the trouble to create a seamless relational database was really only for the benefit of the appraisers at the County Auditor's office, but we know better.



Peter D. Zwick
Past President



Mark
Yeager



Marty
Rowe

His department's goal is "to reduce the need for the public to visit his office for documents." For instance, on the internet, anyone can access the Lorain County Auditor's data base and obtain diverse information such as: Aerial photographs, School districts, Soil types, Taxes, and even Subdivision plats. Marty expects that a few improvements will occur in 2009, including faster property updates, a faster processor, and more layers of information.

By the way, when a homeowner calls his office and inquires why there is no scale bar on the Lorain County G.I.S. aerial images, let alone no print-to-scale feature, Marty and his staff are quick to recommend that a professional surveyor "do the measuring."

Peter D. Zwick
Past President, P.S.

Executive Committee Meeting – April 20, 2009 Parma City Hall.

In attendance: Jack Hoy, John Hoy, Tom Snezek and all officers except Tim Feller. Meeting called to order at 6:06 pm.

Secretary's minutes: Executive Committee meeting minutes from March accepted as submitted.

Chapter Delegate: George Hofmann gave an oral report of the April 17, 2009 State Executive Committee Meeting. Highlights included talk of standardizing surveying programs from college to college, Melinda Gilpin's transition as executive director and discussion of setting survey standards for GPS. Motion to donate \$75 to the state chapter for Trig Star from Cleveland PLSO was passed.

Treasury: John Bischof submitted written report for March 2009. A motion to include officer's travel expenses to the annual conference was accepted.

Communication: Bob Hoy reviewed advertising and upcoming articles.

Education: Robert Papotto updated the status of creating a Cleveland PLSO Scholarship. Talk of amending the bylaws to give board members access to make changes to the scholarship was discussed as well as the formation of a separate foundation or committee. In order to let the fund grow, nothing will be awarded this year.

Membership: Sean Snezek was appointed membership trustee by Michael Straub.

Program: Eric Short reminded all of the next meeting offering CPD credit on May 7 2009. Makeup for the April 2 seminar was discussed, date and topic to be determined. June 4, is the next general meeting.

Old Business:

John Hoy updated the status of the 2011 Conference.

New Business:

Tom Snezek reviewed a FEMA flood certificate workshop.

Lorain County Recorder informed Tom about the process of removing the watermark on online documents.



Michael Ackerman
Secretary

Welcome the Chapter's newest officer

I graduated in 2008 from The University of Akron with a Bachelors of Science degree in Surveying and Mapping. I currently work at CT Consultants in Willoughby, where most of my work experience has involved ODOT's VRS system and modern GIS software. I recently took the FS test and re-enrolled at my alma mater to work on an Associates Degree in GIS.



Sean Snezek
Membership
Trustee

2009 Cleveland Chapter Calendar

June 4
June 26

General Membership Meeting
William J. Haas Memorial Annual Golf Tournament

July 10

State Executive Committee Meeting

August 10
August 12

Executive Committee Meeting
Cleveland Surveying News Deadline

Executive Committee Meetings
are held at:

Parma City Hall

at 6pm and are open to all Chapter members who want to attend.

September 3
September 11
September 14
September 16

Seminar Meeting
State Executive Committee Meeting
Executive Committee Meeting
Cleveland Surveying News Deadline

October 1
October 8-9
October 16
October 19
October 21

Seminar Meeting
PLSO Fall Seminar, Youngstown Holiday Inn
State Executive Committee Meeting
Executive Committee Meeting
Cleveland Surveying News Deadline

November 5
November 13
November 16

Seminar Meeting
State Executive Committee Meeting
Executive Committee Meeting

December 11
December 14

State Executive Committee Meeting (if needed)
Executive Committee Meeting (if needed)

January 8
January 11
January 12
January 21

State Executive Committee Meeting
Executive Committee Meeting
Cleveland Surveying News Deadline
Annual Meeting