

DESTRUCTION OF MONUMENTS LEGISLATION SIGNED INTO LAW

In an effort led by NYSAPLS legislative committee, chaired by Daren Morgan, LS, and legislative counsel Wilson, Elser, Moskowitz, Edelman and Dicker, Governor Pataki signed into law Chapter 730 of 2005 making it illegal to knowingly damage, destroy, disturb, remove, reset or replace any boundary marker placed by a licensed land surveyor, or any person working at the direction of a licensed land surveyor. The actual language of this new law is detailed below.

NYSAPLS will continue to advocate on your behalf in 2006 as new legislative bills are introduced.

CHAPTER TEXT:

LAWS OF NEW YORK, 2005

CHAPTER 730

AN ACT to amend the education law, in relation to establishing penalties for the damaging of monuments and/or boundary markers.

Became a law October 11, 2005, with the approval of the Governor.
Passed by a majority vote, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section 7209 of the education law is amended by adding a new subdivision 9 to read as follows:

9. a. Any person who knowingly damages, destroys, disturbs, removes, resets, or replaces any boundary marker placed on any tract of land by a licensed land surveyor, or by any person at the direction of a licensed land surveyor, for the purpose of designating any point, course or line in the boundary of such tract of land in which he or she has no legal interest, shall be punished by a civil fine of not more than five hundred dollars and shall be liable for the cost of reestablishment of said boundary marker.

b. Notwithstanding the provisions of paragraph a of this subdivision, a licensed land surveyor licensed under section seventy-two hundred three of this article or a person acting at the direction of any such licensed land surveyor, may remove an existing marker if substandard in nature in order to place an upgraded marker in the same location and shall note the same on the map of survey.

§ 2. This act shall take effect immediately.

The Legislature of the STATE OF NEW YORK ss:

Pursuant to the authority vested in us by section 70-b of the Public Officers Law, we hereby jointly certify that this slip copy of this Session law was printed under our direction and, in accordance with such section, is entitled to be read into evidence.

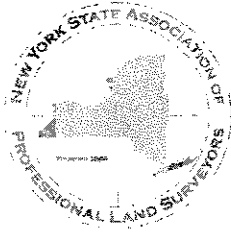
JOSEPH L. BRUNO

SHELDON SILVER

Temporary President of the Senate

Speaker of the Assembly

underline is new; matter in brackets [] is old law to be omitted.



News Release

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FOR RELEASE: November 7, 2005

NYSAPLS applauds new law making removal of property boundary markers illegal

ALBANY, N.Y.— The New York State Association of Professional Land Surveyors applauds the New York State Legislature and Governor George E. Pataki for signing legislation last week making it illegal for anyone to knowingly damage or remove property boundary markers. This action, spearheaded by Senator John J. Flanagan and Assemblyman Joseph R. Lentol, will help protect the publics' interest in land boundary disputes.

“Consumers use boundary markers as references in their deeds to settle property disputes and boundary lines,” said Marie T. Welch, president of NYSAPLS. “The deed description states exactly what type of monument was set or found, making that marker a permanent record. Knowing property boundaries helps landowners insure they do not build structures on adjacent property lines, violate required set-backs, prevent neighbors from building on the wrong side of the boundary line, and avoid safety problems with construction over gas lines or other utility rights-of-way.”

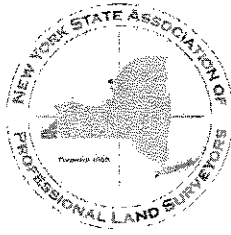
Removal or destruction of survey markers is punishable by a civil fine of up to \$500 and the cost of re-establishing the boundary marker. Consumers should report any suspected cases of property marker damage to their local authorities.

The NYSAPLS recommends a land survey be completed anytime someone purchases real estate. Too often the property described in a contract is not exactly as it was shown or appeared to the purchaser. Sometimes property that has been improved and maintained by a seller actually belongs to a neighbor. To view a list of surveyors who are members of the New York State Association of Professional Land Surveyors and subscribe to upholding the “Code of Practice for Land Surveys”, adopted by the NYSAPLS, visit our Web site at www.nysapls.net.

The NYSAPLS, Inc. is a professional membership association representing land surveyors in New York State.

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Editor's note: Top Five Reasons Why Landowners Should Have A Survey is attached for your consideration.



News Release

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FOR RELEASE: November 2, 2005

The Top Five Reasons Why You Should Have Your Land Surveyed

- **Protect your investment** – purchasing property is one of the most important decisions a potential landowner can face. Understand the relationship between the lines of possession and the deeded property lines.
- **Division of land parcel** – prevent potential pitfalls in boundary disputes of surrounding owners when dividing a large tract of undeveloped property.
- **Ownership disputes with neighbors** – if you believe your neighbor's property is encroaching on your boundary line or set-back requirement, contact a surveyor to accurately determine your property boundaries.
- **Purchasing or acquiring property** – too often a property described in a contract is not exactly as it was shown or appeared to the purchaser. Sometimes property which has been improved and maintained by the seller actually belongs to a neighbor. A licensed land surveyor is your best adviser when undertaking a real estate sale.
- **Future construction projects** – if you are considering a building improvement project on your property, whether it is a simple fence marking your property or an addition to your home or business, be sure you are clear as to boundary lines, set-back requirements and other encroachments that might detain, or curtail, your building plans.

Contact the New York State Association of Professional Land Surveyors for a free brochure about why a land survey is important and how to understand a land survey map.