



Volume 2, Issue 4, December 1986

MMA NEWS

MISSOURI MAPPERS ASSOCIATION

P.O. BOX 1692

JEFFERSON CITY, MISSOURI, 65102

PRESIDENT'S MESSAGE

A very important aspect in the leadership of Missouri Mappers Association is receiving input from the general membership. Your officers and directors appreciate your comments on past and future programs, and on the direction that you would like your organization to take. In this month's newsletter you have the opportunity to voice your opinion on this past year's annual meeting and offer suggestions for next year's meeting and for the future programs of MMA. Please take the time to read and answer the questionnaire, and state your ideas. Let us hear from you!

Gail Bauche Sawicki, PMM

ANNUAL DUES

The Missouri Mappers Association has made a change in the way it charges its members for their dues. When the Association was organized in 1984, dues were paid annually, from the month that a person signed up as a member. As membership rapidly increased in 1985, sending notices and collecting dues became quite a chore, so this year the association adopted the following policy.

Dues will be payable as part of the annual meeting fees.

Members who had already paid in 1986, less than twelve months before the annual meeting were able to pay a reduced rate to bring their dues up to August 1987.

Members will be notified of their dues being payable at the annual meeting. Members who do not pay their dues then, will be notified again in December. Anyone who has not paid by December 31st will be dropped from membership.

Enclosed in this newsletter is a statement for anyone who had not paid their dues. If you paid your dues at the annual meeting, no statement is enclosed. Please review the statement and return it with your dues as soon as possible. If you have any questions, contact MMA Treasurer, Ken Eftink, P.O. Box 1692, Jefferson City, MO. 65102 or call 314-335-3790.

IAAO ACHIEVEMENT AWARD

MMA's board of directors is proud to announce that The Honorable David Rauch, Missouri State Representative, and The Honorable P. Wayne Goode, Missouri State Senator, have been presented with IAAO International Property Tax Achievement Award.

Through these legislators continuing efforts and leadership, legislation was successfully passed to provide the state's assessing jurisdictions with the necessary mechanism to formulate and maintain the assessment process. Their legislation will provide for the administration of a professional mapping and appraisal program for the state of Missouri.

The presentation of the award was at the IAAO International Conference in October. Their nomination was sponsored by the Missouri Assessor's Association, State Tax Commission of Missouri, and MMA.

We would like to thank these gentlemen for their devotion and dedication to this project and congratulate them on their award.

PROFESSIONAL MISSOURI MAPPERS CERTIFICATION EXAMINATION

The Professional Missouri Mappers Certification Examination has been scheduled for sometime in April or May of 1987. If you meet the following designation requirements, you are eligible to take the 8-hour comprehensive and subjective examination:

1. Have five (5) full years of cadastral mapping experience or its equivalent.
2. Be engaged in the use, production or maintenance of cadastral maps.
3. Attended a minimum of 30 hours of study in mapping, surveying or a closely-related subject.

In order to be scheduled for the examination, you must complete a Certification Application and submit information verifying that you meet the requirements listed above. This information must be received by the Certification Committee not later than February 28, 1987.

If you are interested and have some additional questions or you would like an application, please contact Stan W. Balsman, PMM, Certification Committee Chairman, P.O. Box 366, Perryville, Missouri 63775, (314) 547-8357.

TO MEANDER, OR NOT TO MEANDER? THAT IS THE QUESTION

By Robert Pirrie, R.L.S., Ste. Genevieve County Surveyor

When you practice land surveying in Ste. Genevieve and Perry Counties in Missouri you must contend with United States Surveys. These U.S. Surveys are also referred to as "Spanish Grants," although this is most often a misnomer as the majority of these land holdings at the time of the Louisiana Purchase were by concession and not by actual grant. U.S. Surveys are not unique to the two counties mentioned above or even to the State of Missouri, but are the geographic areas that I am most familiar with and will therefore be the subject of this article and in fact the phenomenon of meander lines is found more often in Ste. Genevieve County and for that reason the residents of Perry County should not feel slighted if the other county is mentioned more often.

From time to time I am called upon to reestablish the G.L.O. boundaries of a U.S. Survey that is bordered on one or more sides by a water course. In Ste. Genevieve County this could be the River Aux Vasse Creek, the Saline Creek, the Establishment Creek or any number of smaller water courses that traverse the county winding to the Mississippi River. Most often my client and/or the property owners in the area will convey to me the belief that some of the land on one side of the water course or the other belongs to an adjoiner because they've been told that the U.S. Survey line as shown by a specific direction and distance on the G.L.O. plat and also in the G.L.O. field notes is the boundary and is to be construed as being an absolute boundary just as a Township or Section line. The fallacy has been perpetuated by uninformed Attorneys, Title persons and Surveyors which makes it very difficult to explain riparian principles to a client or an adjoiner who believe they are being "robbed" of their real estate.

The meandering of water courses was officially addressed in the instructions to the Deputy Surveyors issued by Surveyor General Edward Tiffin on July 26, 1815 and probably earlier than that in the unsigned instructions presumed to have issued by Jared Mansfield, the second Surveyor General.

The Manual of Instructions for the Survey of the Public Lands of the United States (1973) defines a meander line as "The traverse of the margin of a permanent natural body of water..." The Manual also states that "In original surveys, meander lines are run for the purpose of ascertaining the quantity of land remaining after segregation of the water area."

Numerous United States Supreme Court decisions have established the principle that meander lines are not boundaries defining the area of ownership of lands adjacent to water. As stated in the Manual, "The general rule is that meander lines are run not as boundaries, but to define the sinuosities of the banks of the stream or other body of water, and as a means of ascertaining the quantity of land embraced in the survey; the stream, or other body of water, and not the meander line as actually run on ground, is the boundary."

In *LANE v. UNITED STATES*, 274 Fed. 290 (1921) the Court ruled that "When by action of water the bed of the body of water changes, high-water mark changes, and the ownership of adjoining land progresses with it." Quoted from the Manual of Instructions for the Survey of Public Lands of the United States (1973).

In **Legal Principles of Boundary Location for Arkansas** authors Elgin and Knowles quote the following court decision:

"In Minnie v. Rose (152 Ark. 5279) the disputed land was a twenty-eight acre tract lying between the GLO meander line and the St. Francis River. Appellee Rose argued that since this amount of land was so large compared to the original amount granted, 43.10 acres, then the grantee from the State took only to the meander line. Appellant Minnie contended that the tract was part of the original bank of the river, and was partly formed by accretion, but regardless of its formation, the river, and not the meander line, was the proper boundary. The Court agreed. (Sic)"

Meander lines are run, in surveying fractional portions of the public lands bordering on navigable rivers, not as boundaries of the tract, but for the purpose of defining the sinuosities of the bank of the stream, and as the means of ascertaining the quantity of land in the fraction subject to sale, and which is to be paid for by the purchaser. Fractional divisions, made so by the interference of water, are designated and sold by the numbers attached to the lots and reference is always had to the notes of the survey. The water indicated in these notes is always the boundary; and where there exists a difference between the meandered lines as run and the existing line of the water-course, the latter and not the former is to be considered the true boundary."

When applying these principles the surveyor must take care as with the application of any surveying principles. The Manual states, "But the mere fact that an irregular or sinuous line must be run, as in the case of a reservation boundary, does not entitle it to be called a meander line except where it closely follows the bank of a stream or lake. The legal riparian rights connected with meander lines do not apply in the case of other irregular lines, as the latter are strict boundaries." The key words are "legal riparian rights" and the surveyor must closely examine each situation in respect to recognized riparian principles and case law.

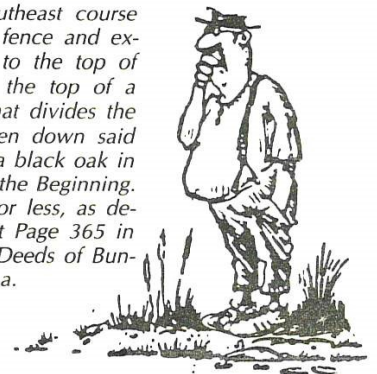
My experience in Ste. Genevieve County has been that the G.L.O. field notes will clearly state that the Deputy intends to follow the meanders of the water course by writing "with its meanders," "as it meanders," or words to that effect. The intention is clear and the actual compass bearing stated in the field notes and the stated chain measurements must yield to the meandering of the water course.

With the recent completion of reassessment in the state many questions concerning the way in which these riparian boundaries are delineated on the ownership may have been raised. More than one property owner has told me that their boundary line takes in property on the other side of the water course and that the history of the property and their neighbors readily agree that that is the case. My answer is that they should see their Attorney and get a deed from the neighbor rectifying the lines of possession. Until such a document is executed and recorded my position is, and shall remain, that applying the principles land rules that have been discussed here the water course remains the legal boundary and will continue to change whenever the proper riparian rules apply.

"LITE TABLE" LEGAL DESCRIPTION

The following legal description was found in the Asheville Citizen and Times, February 12, 1986. It was sent to us by Kathleen Potts, Assistant Vice President of Cass County Land Title, Inc.

Beginning on a Sycamore tree, near the forks of the Moody and Sturgeon branch, and runs a southwest course to the top of the Ridge to a Hickory tree; then down the top of said Ridge to a stake a conditional corner between J. G. Anders and Joe Buckner; thence a southeast course, with a conditional marked line and fence to the Sturgeon branch to a Sycamore tree; then up, crossing the branch about one rod to a Beech; then a southeast course with a conditional line and fence and extreme top of a small ridge to the top of Razor Mountain; then with the top of a knob and head of a ridge that divides the Morrow and Ingle place; then down said Ridge a northwest course to a black oak in the Old Ingle line; thence to the Beginning. Containing 40 acres, more or less, as described in Deed Book 535 at Page 365 in the Office of the Register of Deeds of Buncombe County, North Carolina.



1987 ANNUAL MEETING AND GENERAL MEMBERSHIP QUESTIONNAIRE

The 1987 Annual Meeting Committee will begin planning very soon. In order to prepare for an annual meeting which will be the most attractive and beneficial for the majority of our members, we are asking your assistance in evaluating the 1986 Annual Meeting and making suggestions for next year's meeting. The Board of Directors feels the Annual Meeting is a very important function of the organization and feels so strongly they would

like to offer a reward for membership participation in this regard. Consequently, the Board is offering three prizes of \$25.00, \$15.00 and \$10.00 to be given away at a drawing at the 1987 Annual Meeting. In order to be eligible for this drawing, you must complete the following questionnaire and return it to the Missouri Mappers Association, P.O. Box 1692, Jefferson City, MO 65102 prior to January 1, 1987.

- 1a. Did you find the meeting location suitable? _____
b. Where would you recommend next year's meeting be held?

- c. What month should the meeting be held? _____
- 2a. Is a 1½ day meeting sufficient? _____
b. What is your preference as to the length of the meeting?

- 3a. Should the opening evening banquet be continued for future meetings? _____
b. If so, what type program or entertainment would you like to see? _____
- 4a. Was the lodging and food suitable at the 1986 meeting? _____
b. Would you like to see fewer or additional planned meals served? _____
- 5a. Should the exhibitor/hospitality program be continued? _____
b. If so, how could it be improved? _____
6. Please comment on programs held at previous meetings and make suggestions for recommended future speakers and/or programs.

7. Please make general comments and recommendations.

8. I will serve on the Annual Meeting Committee. Yes ___ No___
9. I would prefer to serve on the following committee.
Education _____ Legislation _____
Publication _____ Awards _____
Membership _____ Certification _____
10. I would be interested in holding an office next year.
Yes ___ No ___
11. I would like to see Educational Programs on the following topics: _____

Please remember the above questionnaire must be forwarded to the Missouri Mappers Association prior to January 1, 1987 to participate in the drawing. Thank you.

Name _____
Address _____
Phone _____

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Missouri Mappers Association

P.O. BOX 1692
JEFFERSON CITY, MO 65102

IAAO 1986 MAPPING SEMINAR

The International Association of Assessing Officers (IAAO) presented their second annual mapping seminar, Property Ownership Mapping: Approaches for Assessors, October 30 and 31, 1986 in Orlando, Florida.

Some of the presentations included in the program were "Parcel Identification Systems", "Effective Use of Consultants in a County Mapping Program", "A Review and Critique of the Multipurpose Cadastre Concept", "Evaluating Computer Mapping Systems", plus others which demonstrate the wide range of sophistication found in mapping programs. George Donatello, PMM, presented a section dealing with "Problems in Property Ownership Mapping" which was extremely successful.


There were approximately 90 people registered from over 20 states and one Canadian province. The seminar provided an excellent opportunity to meet with others in our field and discuss common problems and their solutions.

The 1987 Mapping Seminar is currently in the planning stage and is expected to be held in St. Louis next October. Check future newsletters for information as it becomes available.

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QUESTION/ANSWER

A new column dedicated to keeping Property Tax Mapping uniform and to help you with your hard to answer problems.

Your question will be reviewed and answered by the Board of Directors and published in the next newsletter.

So if you have a question, send it to Joseph D. Martin, 44 North Lorimier, Cape Girardeau, MO 63701.

BUSINESS CARD ADVERTISING

Don't forget to send us your card if you want it published in the next issue. This service is to our members and is continuing to grow.

CHANGE YOUR ADDRESS

If you have moved recently, please let us know so you will get the MMA News on schedule. Send change of address notices to:

Ken Eftink, 44 N. Lorimier, Cape Girardeau, MO 63701

FOR SALE/WANTED COLUMN

Members, do you have a piece of mapping equipment you have been wanting to sell or buy? If you do, we will advertise it for you in the MMA News free of charge. Simply let us know the name and type of equipment you are advertising along with your name and number. Send them to:

Joseph Martin, 44 N. Lorimier, Cape Girardeau, MO 63701

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