NOTICE OF INTENT TO ADOPT A PROPOSED AMENDMENT TO THE GEORGIA STATE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS RULE 180-7-.02, "Land Titles and location. Amended." AND NOTICE OF PUBLIC HEARING

TO ALL INTERESTED PARTIES:

Notice is hereby given that pursuant to the authority set forth below, the Georgia State Board of Registration for Professional Engineers and Land Surveyors (hereinafter "Board") proposes an amendment to the Georgia State Board of Registration for Professional Engineers and Land Surveyors Rules, RULE 180-7-.02, "Land Titles and location. Amended," (herein after "proposed rule amendment"). The Board voted to post this notice of adoption at a meeting on April 10, 2007. The proposed rule amendment creates a rule that defines and updates the Minimum Technical Standards for Property Surveys. This notice, together with an exact copy of the proposed rule amendment and a synopsis of the proposed rule amendment, is being mailed to all persons who have requested, in writing, that they be placed on a mailing list. A copy of this notice, an exact copy of the proposed rule amendment, and a synopsis of the proposed rule amendment may be reviewed during normal business hours of 8:00 A.M. to 5:00 P.M., Monday through Friday, except official State holidays, at the Office of the Secretary of State, Professional Licensing Boards Division, 237 Coliseum Drive, Macon, Georgia 31217. Copies may also be requested by contacting the Board office at (478) 207-2440.

A public hearing will be held at 9:30 a.m. February 12, 2008 at the Secretary of State's Professional Licensing Boards Division, 237 Coliseum Drive in Macon, Georgia 31217 to provide the public an opportunity to comment upon and provide input into the proposed rule amendment.

At the public hearing anyone may present data, make a statement, comment or offer a viewpoint or argument whether orally or in writing. Lengthy statements or statements of a considerable technical or economic nature, as well as previously recorded messages, must be submitted for official record. Oral statements should be presented in writing. Written comments are welcome. Such written comments must be legible and signed, should contain contact information from the maker (address, telephone number and/or facsimile number, etc.) and be actually received in the office prior to the close of business (5:00 P.M.) on January 25, 2008. Written comments should be addressed to Randall D. Vaughn, Division Director, Secretary of State, Professional Licensing Boards Division, Georgia State Board of Registration for Professional Engineers and Land Surveyors, 237 Coliseum Drive, Macon, Georgia 31217. Telephone (478) 207-2440 or fax (478) 207-1456.

The Board will consider the proposed rule amendment for adoption at a meeting scheduled to begin at 9:35 a.m. on February 12, 2008 at the Secretary of State's

Professional Licensing Boards Division, 237 Coliseum Drive in Macon, Georgia 31217. According to the Department of Law, State of Georgia, the Georgia State Board of Registration for Professional Engineers and Land Surveyors has the authority to adopt a proposed rule amendment to Rule 180-7-.02 pursuant to authority contained in O.C.G.A. §§ 43-15-1, 43-15-2(6), 43-15-4(a), and 43-15-6(a).

At its meeting on April 10, 2007 the Georgia State Board of Registration for Professional Engineers and land Surveyors voted that the formulation and adoption of this rule does not impose excessive regulatory cost on any licensee and any cost to comply with the proposed rule cannot be reduced by a less expensive alternative that fully accomplishes the objectives of O.C.G.A. §§ 43-15-1, 43-15-2(6), 43-15-4(a), and 43-15-6(a).

Additionally, at the meeting, the Board voted that it was legal and feasible to meet the objectives of O.C.G.A. §§ 43-15-1, 43-15-2(6), 43-15-4(a), and 43-15-6(a), to adopt or implement differing actions for businesses as listed in O.C.G.A. § 50-13-4(a)(3)(A), (B), (C) and (D). The formulation and adoption of these rules will impact every licensee in the same manner and each licensee is independently licensed in the fields of engineering and land surveying.

For further information, contact the Board office at (478) 207-2440.

This notice is given in compliance with O.C.G.A. § 50-13-4.

This the 26th day of December, 2007.

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Randall D. Vaughn
Division Director
Professional Licensing Boards Division

Posted: December 26, 2007

SYNOPSIS OF PROPOSED REVISIONS TO
THE GEORGIA STATE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS RULES
RULE 180-7-.02, "Land Titles and Location. Amended."

PURPOSE: The purpose of this amendment is to create a rule that defines and updates the Minimum Technical Standards for Property Surveys.

MAIN FEATURES: Additional Language describes information to be included in surveys.

DIFFERENCES BETWEEN THE EXISTING RULE AND THE PROPOSED AMENDMENTS TO THE GEORGIA STATE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS
RULE 180-7-.02, "Land Titles and location. Amended."

RULE 180-7-.02, "Land Titles and Location. Amended." is hereby revised as follows:

180-7-.02 Land Titles and Location. Amended.
(1)(a) Every parcel of land whose boundaries are surveyed by a ~~licensed~~ land surveyor should be made conformable with the record title boundaries of such land. The land surveyor prior to making such a survey shall acquire ~~all necessary~~ the following prerequisite data:~~, including~~ deeds, maps, certificates of title, centerline data, right of way data, adjacent descriptions, and other boundary line locations in the vicinity as necessary or available. ~~He~~ The land surveyor shall compare and analyze all of the data obtained and make most nearly correct legal determination possible of the position of the boundaries of such parcel. He shall make a field survey traversing and connecting all available monuments appropriate or necessary for the location, and coordinate the facts of such survey with the pre-determined analysis. Not until then shall the monuments marking the corners or such parcel be set, and such monuments shall be set in accordance with the full and most satisfactory analysis obtainable. It shall be the responsibility of the land surveyor to evaluate conformity with adjacent tracts for overlaps and gores and to report the same on all maps, plats, and reports.
(b) In the event that the land surveyor determines that it is not possible to make the survey of a parcel of land conformable with the record title of such land or that it is not possible to coordinate the predetermined analysis with the field survey, the surveyor shall explain the reason for his determination and shall denote in indisputable language, the source and reason for the corners, lines, and/or areas as shown on the plat. Such reasons may include, but are not limited to, the following: Disputed, property lines or areas; possession lines; acquiescence; adverse possession; unrecorded deeds; proposed purchase (new parcels); dubious and nebulous deed descriptions; and any adverse claim. This paragraph shall not be construed in any way to allow the surveyor to evade his/her responsibilities under the law.

(2) Any description written for conveyance or other purpose, defining land boundaries, shall be complete and accurate from a title standpoint, providing definite and unequivocal identification of the lines or boundaries, and definite recitals as to use or rights to be created through such descriptions. ~~Any form of descriptions, regardless of presence or absence of any or all dimensions, but specifically tying to adjoiners, which fulfills the foregoing conditions, is acceptable. However, such description, insofar as possible, in addition to all necessary ties to adjoiners, should contain sufficient data of dimension, determined from accurate field survey, to enable the description to be completely platted. It is also advisable wherever correct surveys have determined the coordinate values of boundary corners or monuments recited in a description, to make proper reference thereto in the description by any appropriate recital.~~
A description shall include the general location of the tract or lot with sufficient accuracy such that the tract can be readily located on the ground. The land lot, district, section, militia district number (in Headright Grant areas), city (if known to be within the city limits) and county shall be called out in said description. Description shall start at a point of commencement and/or a point of beginning that can be readily re-established. The description shall include the names of adjoining subdivision and/or property owners on all lines, as can be determined at the time of commencement of the survey through public records such as the county tax assessor and/or clerk of court records. (A title search is not required for this.) A metes and bounds description shall describe all courses in logical sequence around a tract or lot in a clockwise direction such that the ending point is the beginning point, the exception to this would be a description for a linear easement. The monument at each corner shall be described. All lines adjacent to streets, roads, or other rights-of-way shall be referenced to these and all pertinent distances and curve data shall be listed (arc length, chord length, chord bearing and radius) in addition to the parcel's area. All descriptions, being a form of report, shall bear the land surveyor's name, address, seal and signature.
~~(a) In the event that the land surveyor determines that it is not possible to make the survey of a parcel of land conformable with the record title of such land or that it is not possible to coordinate the predetermined analysis with the field survey, the surveyor shall explain the reason for his determination and shall denote indisputable language, the source and reason for the corners, lines, and/or areas as shown on the plat. Such reasons may include, but are not limited to, the following: Disputed, property lines or areas; possession lines; acquiescence; adverse possession; unrecorded deeds; proposed purchase (new parcels); dubious and nebulous deed descriptions; and any adverse claim. This paragraph shall not be construed in any way to allow the surveyor to evade his/her responsibilities under the law.~~
~~(3) Any surveys made for purposes other than location of land boundaries need only the ordinary information and date necessary to fix the situs of the work to be done, by one or more ties to some known and accepted title boundary line or corner, together with such other data as may be required to the project into adjoining matters appurtenant.~~

O.C.G.A. §§ 43-15-1, 43-15-2(6), 43-15-4(a), and 43-15-6(a).