Date: August 8, 2005

To: *See Below

From: William C. Ujvari, Administrator

Subject: Right of Way Monument Changes

* District Highway Management Administrators
  District Planning and Programming Administrators
  District Production Administrators
  Regional Real Estate Administrators
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  District Survey Operations Managers
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As a result of a complaint aired to the State Board of Registration for Engineers and Surveyors, a modification to ODOT procedures for the setting and resetting of monuments is necessary. These changes will have an impact on right of way designers/reviewers, surveyors, roadway designers and construction personnel.

HISTORY OF THE COMPLAINT

Right of way plans and legal descriptions for a project were prepared by a right of way design team. This team included a Professional Surveyor who set the right of way monuments (including a monument cap with the surveyor’s name and registration number), established the locations where proposed centerline monuments were to be set by the contractor, and sealed the right of way plans.
A contractor was hired by ODOT to construct the project. As per ODOT procedures, the construction contract included pay items to install new centerline monuments at the locations specified by the right of way design team as well as a requirement to reset any right of way monument destroyed by construction activities.

A second Professional Surveyor (not the right of way designer or reviewer) was employed by the contractor. This surveyor was directed to set the proposed centerline monuments and to reset any monuments destroyed by construction activities. These monuments were required to include a monument cap with the second surveyor’s name and registration number. The second surveyor objected to the task; citing Ohio Administrative Code 4733-35-07(A): “The engineer or surveyor shall not sign and/or seal professional work for which he or she does not have personal professional knowledge and direct supervisory control and responsibility.” The second surveyor felt that the monuments should be reset by the surveyor who researched the existing boundary lines and prepared the right of way plans.

The second surveyor contacted the State Board of Registration for Engineers and Surveyors. As a result of a discussion with Mark Jones, Executive Director of the State Board of Registration for Engineers and Surveyors, ODOT agreed to revise its procedures. Monuments will now be set by surveyors who have conducted appropriate boundary research.

DEFINITIONS

ODOT’s new procedure uses various terms as defined below:

Monument - Cornerstone, iron pin or other land marker.

Item 604 Monument Assembly – Specific pay item as defined by the Construction and Materials Specifications (CMS) and Standard Construction Drawing RM-1.1. Consists of an iron pin set inside a monument box. Used for proposed monuments to be constructed within paved areas.

Item 604 Reference Monument – Specific pay item as defined by the CMS and Standard Construction Drawing RM-1.1. Consists of an iron pin set in concrete. Used for proposed monuments to be constructed in unpaved areas.

Centerline Monument – Monument located on the right of way centerline. Proposed centerline monuments located in paved areas are paid for under Item 604 Monument Assemblies. Those located outside the paved areas (e.g., in the median of a divided interstate) are paid for under Item 604 Reference Monuments.

Reference Monument – Monument that defines the centerline based on a specific offset from that centerline. Reference monuments are usually constructed in pairs on either side of the centerline. Reference monuments are paid for under Item 604 Reference Monuments.

Right of Way Monument – Monument set at a property corner. For purposes of this discussion, defined as being located along the proposed right of way line (not the centerline). Right of Way Monuments usually consist of an iron pin without concrete encasement.
Control Point – Monument used to establish horizontal (and sometimes vertical control) for a project. Centerline Monuments and Reference Monuments can be used as Control Points. Control Points that are exclusively for construction survey control are not governed by the new procedure described in this IOC and may be reset by the contractor. Centerline Monuments, Reference Monuments and Right of Way Monuments must be set by surveyors who have conducted appropriate boundary research.

Right of Way Reviewer – The Professional Surveyor who seals the right of way plans and legal descriptions.

NEW PROCEDURE

The goal of the following procedure is to establish and protect all monuments in accordance with state law.

- The right of way design team will prepare right of way plans and legal descriptions.

- When right of way acquisition is complete (either for a single parcel or for the entire project) the right of way reviewer will set Right of Way Monuments as called for in the right of way plans.

- Prior to the start of earthmoving activities, the construction contractor will make a reasonable effort to verify the location of all Right of Way Monuments as shown in the right of way plans (or construction plans, if no right of way plans are provided). The contractor will report any new, missing, relocated or damaged monuments to the project engineer. If no report is submitted by the contractor, it will be assumed that the right of way plans correctly reflect all monuments. If additional monuments are found (either before or during construction), the contractor will immediately notify the project engineer and avoid damaging the monuments.

- When new monuments are reported, the project engineer will contact the district project manager who will resolve the situation with the right of way design team and the district real estate administrator. A revised centerline plat and legal descriptions may be required. If new monuments are the result of parcel splits or other circumstances beyond the control of the right of way design consultant, ODOT will compensate the design consultant for modifications as per the On-Going Consultant Involvement During the Construction Phase portion of scope of services. If the new monuments are the result of errors and omissions on the part of the right of way consultant, the plans should be modified by the consultant at no cost to the Department.

- If relocated or damaged monuments are reported prior to construction, the project engineer will contact the project manager who will contact the right of way designer/reviewer. Resetting of monuments that have been damaged prior to construction activities (e.g., by the utility relocation) will be reset by the right of way reviewer. Payment for resetting monuments destroyed by others will be included in under the On-Going Consultant Involvement During the Construction Phase portion of the right of way design consultant’s scope of services.

- During construction, the contractor will coordinate installation of Item 604 Monument Assemblies with the right of way designer/reviewer. Initial contact will be made through the project engineer and project manager. The contractor will install Item 604 Monument Assemblies as specified in the plans. The pay item for Item 604 Monument Assemblies will include all work as specified on Standard Construction Drawing RM-1.1; except the iron pin and cap.
• After the contractor installs the monument assembly box, the right of way reviewer will set the iron pin and cap. Payment for setting the iron pin and cap will be as per the On-Going Consultant Involvement During the Construction Phase portion of the right of way design consultant’s scope of services.

• Reference Monuments will be set by the right of way reviewer after final grading. The project engineer will coordinate the timing of Reference Monument installation with the right of way reviewer through the project manager. The contractor will not set Reference Monuments.

• After the contractor has completed final grading and other operations that could damage the monuments, the right of way designer/reviewer will verify the location of all monuments shown on the right of way plans. Payment for this work will be as per the On-Going Consultant Involvement During the Construction Phase portion of the right of way consultant’s scope of services.

• If the installed location of a Centerline Monument or Reference Monument differs from the location shown on the right of way plans, the right of way designer/reviewer will contact the project engineer and project manager who, in conjunction with the district real estate administrator and the real estate regional project manager, will determine if the monument can be left in place or must be reset. If the monument will be left in place, the right of way plans must be revised and the centerline plat re-recorded.

• In accordance with CMS 107.15 (as modified by Supplemental Specification 800), the contractor will be charged for the cost of re-setting any monument (e.g., Centerline Monument, Reference Monument, Right of Way Monument, cornerstone, etc.) they have damaged.

• At the discretion of the district, the right of way reviewer may set temporary hubs (e.g., wood stake with a P.K. nail or tack) following acquisition and prior to construction instead of setting permanent Right of Way Monuments. In these cases, the right of way reviewer will set permanent Right of Way Monuments after construction is completed. The contractor will not be charged for the costs of re-setting temporary hubs.

**PLAN CHANGES**

The following plan revisions should be incorporated into all projects, as appropriate.

• Delete Item 604 Reference Monuments. Item 604 Monument Assemblies will continue to be shown in the plans. It is not necessary to make these items “As Per Plan.”

• Include the following revised certification on the centerline plat:

  “Placement of monuments shall be under the direction of a surveyor registered in the State of Ohio. The centerline adjustable monument assembly box(s) will be installed by the highway contractor at the time of construction. The iron pin with cap marking the actual centerline station point and any reference monuments are to be set by the right of way reviewer.
Changes or alterations to the location of any monuments shown on this plat, requires prior approval of the district real estate administrator of the Ohio Department of Transportation. A revised centerline plat with the new locations shall be recorded in the applicable county records and with the Ohio Department of Transportation. Specifications for adjustable centerline monuments, reference monuments and right of way monuments are shown on Standard Construction Drawing RM-1.1 of the Ohio Department of Transportation.”

DOCUMENTS THAT HAVE BEEN OR WILL BE REVISED

- The Scope of Services On-Going Consultant Involvement During the Construction Phase has been revised to reflect the Right of Way Designer/Reviewer’s responsibilities for setting Reference Monuments and the iron pins for Item 604 Monument Assemblies.

- The Right of Way Manual will be revised to reflect the new procedures.

- Standard Construction Drawing RM-1.1 will be revised to reflect the new contractor/designer responsibilities. It is not necessary to make Item 604 Monument Assemblies an “As Per Plan” item.

- CMS 107.10 will be revised via modifications to Supplemental Specification 800 (replaces the Boiler Plate Proposal Note 101) to reflect new contractor responsibilities regarding protection and resetting of monuments.

We request that Districts forward this information to your design and right of way consultants, as appropriate.

If you need further information, contact Chris LeRoy at (614)466-5228.

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