

Resources

State Board of Licensure for Architects, Engineers and Land Surveyors

<http://www.dora.state.co.us/aes>

Professional Land Surveyors of Colorado

<http://www.plsc.net/>

Jefferson County Mediation

<http://jeffco.us>

303-271-5060

Jefferson County Surveyor

<http://www.jeffco.us>

303-271-8763

Survey Definitions

Here are some survey definitions from the Colorado Revised Statutes which may help as you research your land dispute.

· **Professional Land Surveying** - the application of special knowledge of principles of mathematics, methods of measurement and law for the determination and preservation of land boundaries. Colorado Revised Statutes 12-25-202(6)(a).

· **Land Survey** - a series of observations and measurements made pursuant to CRS sections 38-51-103, 38-51-104 and 38-51-105 for the purpose of locating or restoring any real property boundary 38-51-102(11).

· **Land Survey Plat** - a plat which shows the information developed by a monumented land survey and includes all information required by CRS section 38-51-106, 38-51-102(12).

· **Improvement Location Certificate** - means a representation of the boundaries of a parcel of land and the improvements thereon, prepared pursuant to section 38-51-108, 38-51-102(8).

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As law enforcement professionals, we pledge to serve the Jefferson County community, build trust and confidence, and respond to community needs with:

Integrity

We interact with each other and the community we serve with honesty, dignity, and respect.

Innovation

We respond to the community's needs with vision and initiative, relying on both traditional and non-traditional problem-solving methods.

Partnership

We actively promote a spirit of teamwork and cooperation through open communication and the free exchange of ideas.

Service

We continuously develop our skills and talents to provide top quality, responsive, effective law enforcement services.

Accountability

We ensure judicious management of human, financial, and physical resources.

Jefferson County Sheriff's Office

200 Jefferson County Parkway

Golden, CO 80401

Office Hours: 8 a.m. - 5 p.m., Mon.-Fri.

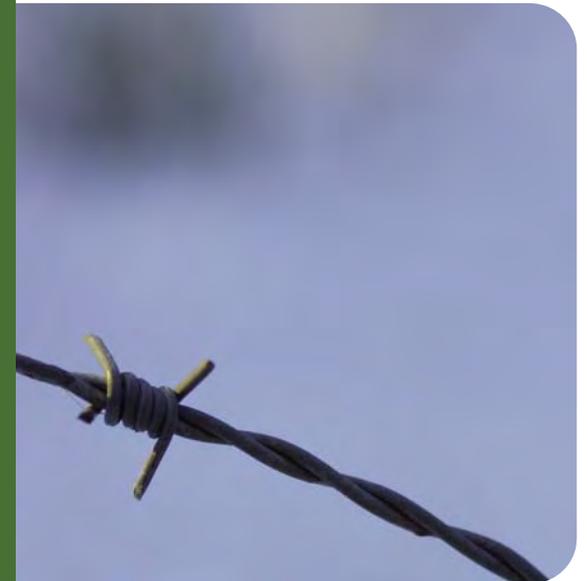
Phone: 303.277.0211

Emergency: Dial 911

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PATROL

Boundary Disputes



What you need to know to resolve a dispute over property boundaries



Boundary Disputes

Boundary disputes are not a criminal matter in and of themselves. Nor are they an issue for the County Surveyor's Office. Boundary disputes are a civil matter. This brochure was designed to help you better understand the situation and the proper course of action for you to take so your issue does not develop into a criminal matter.

Scenario

Boundary disputes often emerge when a buyer, new to the area, purchases a piece of property. Real estate agents and mortgage companies call an Improvement Location Certificate (ILC) a "survey." However, an ILC is not a survey, even though it is prepared



Surveyor's boundary marker

The new purchaser believes the ILC is an accurate survey. When it conflicts with the established neighbors' beliefs regarding their property boundaries, the dispute begins.

Sometimes, a longtime resident believes his ILC to be a true survey, until a new purchaser has a land survey plat prepared for the new property by a professional land surveyor. This official survey conflicts with what the established resident has believed to be the boundaries for years. The established resident may believe that the new neighbor is trying to take his property, and the dispute begins.

The Sheriff's Role

When boundary disputes occur, it is common for one or both residents to call the Sheriff's Office to report the other for trespassing. However, Sheriff's

deputies are not surveyors, nor are they authorized to make a determination on the ownership of property based on plat maps or drawings included with title and paperwork. This matter must be addressed in a civil court by a judge. The Sheriff's Office will become involved, however, if the situation progresses from a civil matter to a criminal matter.

When is it a Criminal Matter?

If a civil judge finds the information presented to him/her in favor of one of the parties, a court order regarding the finding will be issued. Once a party possesses a copy of the court order, signed by a judge and bearing the court seal, and the other person violates that order, the deputy can take enforcement action against the violator.

Boundary disputes do sometimes escalate into a criminal matter. Some of the charges levied against those involved in boundary disputes have included trespass, harassment, criminal mischief and menacing.

Boundary disputes can become all-consuming for those involved, and the Sheriff's Office urges planning and patience.

Reminders

The law says that a professional land surveyor is the only person duly licensed in Colorado to locate property boundaries. Property owners are responsible



It is illegal to move or destroy a surveyor's marker

for hiring a professional to provide these services. It is important for property owners to know where their boundaries are before or upon their purchase to prevent disputes or trespassing. Surveyors, utility workers, etc. have legal access to properties for professional purposes and are not trespassing.

In Jefferson County, there are various types of preexisting easements to properties that can cause conflicts, such as shared driveways, utility easements, prearranged "cut throughs" and even unmaintained roads. In Colorado, there are mineral rights sometimes owned by a third party as well as water rights.

Also, Colorado is a free range state. This means that a property owner must fence out livestock to prevent the animals from roaming on his or her property.

When Should I Have My Land Surveyed?

- Before you purchase it. This will disclose the relationship between the lines of possession and the deeded property lines.
- When a lending institution requires either a Land Survey Plat or an Improvement Location Certificate of your property when you borrow money against it.
- Whenever you believe there may be a conflict regarding your property.
- Prior to dividing any parcel of land for sale.
- When you intend to sell any tract of land.
- When your lawyer, architect, real estate agent or municipal planning or engineering office advises or requires it.
- The county or city the property is in may require a Land Survey Plat prior to the construction of any structure or improvement on the property.

Methods of Resolution

There are several ways to resolve a boundary dispute. Before any resolution can be reached, however, you must know where your property boundaries are.

Some suggestions:

- Hire a PLS to survey your property (not free)
- Mediation (free in Jefferson County)
- Civil courts (not free)
- Fences (not free). Be sure you know your official boundaries before building fences.

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