

## **Property stake location practice examined**

Written by Elizabeth Barrett  
Thursday, 14 July 2011 18:12 -

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### **City council questions use of non-licensed inspector.**

To avoid liability issues, city officials may get out of the business of locating stakes for residents when they want to improve properties.

At their July 5 meeting, the Gothenburg City Council discussed at length whether city building inspector Doug Swanson should continue the practice.

Although no decision was made, council members scheduled the issue to be discussed at another meeting.

Currently, Swanson locates property corners for \$20 even though city officials don't guarantee that the corners found are true if a property dispute should arise.

City administrator Bruce Clymer said Dawson County surveyor Jake Ripp told him that only licensed surveyors should do the work.

Shawn Boyd, a licensed land surveyor who works for a Kearney firm, pointed to a state ordinance which states that practicing non-registered surveyors could be found guilty of a Class III misdemeanor.

Boyd said he knows of several cities and counties that have been in trouble with state officials for not having registered surveyors do stake locations.

"If I was making improvements to property, I'd hire someone to do it so there were no problems down the road," he said.

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Boyd said the firm he works for charges \$75 to locate and \$150 to reset property stakes and file the information with the state.

Swanson said he contacted city officials in both North Platte and Kearney who said they require property owners to expose stakes on their property.

“If they can’t find the stake, then the property has to be surveyed,” he said. “That’s operating on the assumption if the stake is there then it’s right.”

As long as stakes can be found, Swanson said registered surveyors are not needed.

On Friday, Clymer said in addition to liability issues, Swanson often spends a lot of time trying to locate stakes.

“This represents a shift in how the city wants to handle such requests,” he said. “I think it’s the right thing to do because I don’t think we should be in the business of doing it and I don’t want to circumvent state statute.”

City attorney Mike Bacon said Swanson’s job as building inspector is to make sure someone’s property is not encroaching on someone else’s land and that construction is done properly done so “it doesn’t fall over on someone.”

Bacon said the building inspector doesn’t establish but only locates property lines.

“It’s your fault if you build a \$150,000 house and don’t want to spend the money to have the stakes properly located,” he said, noting that he knows of some cases where people have had to rebuild homes because of wrongly placed property stakes.

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In other business, the council:

learned that Nebraska Department of Roads officials will study the intersection of Highway 47 and Fourth Street as requested by city officials who have fielded concerns from motorists about safety at the busy intersection.

City administrator Bruce Clymer shared an earlier study NDOR officials did of the First Street and Highway 47 intersection in which they said not enough criteria was met, such as high traffic volume, to justify the installation of a traffic signal.

introduced adoption of the 2011 National Electrical Code. A legislative bill passed this session adopted the code as the minimum standard for electrical wiring in Nebraska.

granted a request by OK Bottle Shoppe owners to receive a special designated license to sell alcohol at Eastside Animal Center during a business-after-hours event on July 25.