

Common Research Mistakes Surveyors Make (Road Records)

by
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In previous articles I have explained two of the five common mistakes made by surveyors in researching the records. In the first article I discussed mistakes made in determining senior title. In the second article I explained the deficiency existing when a forward search is omitted. The third of five common mistakes often made by surveyors when researching the records is the failure to research the road records.

Surveyors often omit searching for road records even though their property is bounded by a public road. Even if a search of road records is conducted, a surveyor will often fail to find the appropriate road records.

Road records are particularly difficult records to research for three reasons: 1) First, road records are not always found where other property records are recorded. Road records are often found in municipal offices, department of transportation offices, court records, county commissioner records, and even state archives or other historical archives. The location of road records often depend on the manner the roads were created (e.g., dedication, condemnation), the type of road (e.g., municipal, county, state) and age of the road. 2) The second difficulty arises because there is seldom an index to help locate the appropriate road record among the plethora of government documents that exist. 3) The third difficulty is the trouble in identifying a particular road from the ancient description often used when describing roads found in the records. In other words, when a road record is discovered and read, the reader often finds it difficult if not impossible to identify what road is described and where the road exists on the face of the earth using the ancient description. Consider how difficult it would be to locate the following road if knowledge of the area has been lost with the passage time.

Beginning 2 rods from Samuel Widman's pasture fence at the turnpike road, thence through Ezekiel King's land, N20°E 25 rods to a stake; thence N36°E, 120 rods to a stake; thence N48°E 90 rods to Jacob Denton's sawmill lane... To be opened at four rods. 12 June 1834.

Researching road records is not so much a matter of following a particular procedure as employing dogged determination and fortitude.

The failure to search for and locate the appropriate road record often results in the surveyor failing to properly fix the width of the road and thereby causing the client or other landowners to mistakenly build in the public right of way.

Describing typical weaknesses in the surveyor's record search will not necessarily convince surveyors to undertake the tedious and time consuming research necessary to overcome the limitations that were explained.

Knowledge of the deficiencies should allow the surveyor to inform the client that these deficiencies in the research exist at the completion of services. Should the client want to compensate the surveyor for the time to perform a thorough search, these limitations can be overcome.

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