

RULES & REGULATIONS

Governor Pete Ricketts approved the Nebraska Board of Examiners for Land Surveyors' proposed changes to Title 234, NAC, Rules and Regulations for Land Surveying in the State of Nebraska on Friday, September 23, 2022. The revised and approved Rules and Regulations go into effect on Wednesday, September 28, 2022 (PDF), and supersedes those printed in the 65th Annual Report.

Click here to download a pdf booklet of these new Rules and Regulations (pdf/RulesRegsBook2023web.pdf)

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CHAPTER - 1 - GENERAL PROVISIONS:

001. Professional Land Surveyor or registrant means any person authorized to practice Land Surveying in the State of Nebraska who holds a current active registration with the State Board of Examiners for Land Surveyors.

002. Examining Board means the Nebraska State Board of Examiners for Land Surveyors.

002.01. A quorum of three members of the Examining Board is required for Board actions.

002.02. The office of the Examining Board is located within the office of the Nebraska State Surveyor. All correspondence and filings should be addressed to "The State Board of Examiners for Land Surveyors" or delivered to this office during normal business hours. When a specified date or time of compliance falls on any Saturday, Sunday, or legal holiday, the deadline will be the next succeeding working day.

003. Adoption of the Attorney General's Model Rules.

003.01. The Examining Board has adopted Title 53, Nebraska Administrative Code, Chapters 1 through 4 of the Nebraska Department of Justice, also known as the Attorney General's Model Rules, and has incorporated them into these regulations.

003.01.01. Procedures governing Negotiated Rulemaking will be in accordance with Title 53, Nebraska Administrative Code, Chapter 1.

003.01.02. Procedures governing Petitioning for Rulemaking will be in accordance with Title 53, Nebraska Administrative Code, Chapter 2.

003.01.03. Procedures governing Declaratory Rulings will be in accordance with Title 53, Nebraska Administrative Code, Chapter 3.

003.01.04. Procedures governing Hearings in Contested Cases Before an Agency will be in accordance with Title 53, Nebraska Administrative Code, Chapter 4.

CHAPTER - 2 - CLASSES OF APPLICANTS:

001. Class 1 applicant includes all applicants applying for registration as a professional land surveyor under section 81-8,117 who may be eligible for examination on the basis of having a current surveyor-in-training certificate issued in Nebraska or any other state which maintains standards equal to or greater than those of the State of Nebraska.

002. Class 2 applicant includes all applicants, who may be residents or nonresidents of the State of Nebraska applying for registration as a professional land surveyor under section 81-8,120 who are currently registered in another state, which maintains standards equal to or greater than those of the State of Nebraska.

003. Class 3 applicant includes all applicants applying for a surveyor-in-training certificate under section 81-8,109, (3).

004. Class 4 applicant includes all active registrants applying for inactive registration under section 81-8,119.01.

CHAPTER - 3 - FEES AND APPLICATIONS FOR REGISTRATION:

001. Fees.

001.01. The fee schedule and methods of payment will be set by the Examining Board consistent with statutory authorization.

001.02. All fees are non-refundable.

002. Application forms.

002.01. Class 1, 2, 3, or 4 application forms are available in electronic, paper, or other format as may be prescribed by the Examining Board and, when fully completed with all necessary details, are filed with the Secretary of the Examining Board.

002.02. No application for Class 1, 2, 3, or 4 registration will be accepted unless it is accompanied by the appropriate application fee as set forth in the fee schedule and made payable to the Board of Examiners for Land Surveyors. All fees are considered application fees and will not be returned to applicants who are unsuccessful for any reason.

003. All information received from references named by the applicant will be held in confidence by the Examining Board. No member of the Examining Board can be named or utilized as a reference.

004. In order for an application to be considered by the Examining Board, a minimum of 3 satisfactory replies from references must be received by the Examining Board. It is suggested that each applicant contact their references to avoid delay.

005. Application for inactive registration may be made by submitting a request in writing to the Examining Board.

006. Application for reinstatement of a canceled registration may be made by submitting the appropriate application form, late fees and renewal fee to the Examining Board.

CHAPTER - 4 - EXAMINATIONS:

001. Examinations will be conducted as prescribed by the Land Surveyors Regulation Act, at such times and places as the Examining Board may designate. The Examining Board on its own motion and/or the Secretary of the Examining Board will conduct the examination in a manner which

provides security, harmony, reduces the risk of plagiarism and is not in conflict with these rules.

002. All applications are considered to be a part of the examination and registration process. Each applicant must show to the satisfaction of the Examining Board that the applicant meets at least the minimum requirements set forth in the Land Surveyors Regulation Act before they will be admitted to any examination. Failure to meet the minimum requirements of these sections of the Act shall be interpreted as if it were a failure in the examination with retention of the application fee. However, the Examining Board may table consideration of an application for 1 year wherein the applicant has an experience deficiency of less than 1 year, or other valid reason, and without causing forfeiture of the application fee. Any applicant which has been denied registration as a professional land surveyor in Nebraska due to failure of the examination may be required by the Examining Board to show proof of completion of 15 hours of professional development as defined in Chapter 8, paragraph 002, subparagraphs 002.06, 002.08, 002.10, and/or 002.11 before any new application is approved.

003. Upon receipt of an application and the application fee, the Secretary of the Examining Board will acknowledge the application and advise the applicant that the routine of making the necessary investigations will be followed and that the applicant will be notified whether the applicant is approved by the Examining Board to take the examination.

004. A postponement of an examination or reexamination may be granted to any applicant once for each application. Any individual who has received a postponement for either an examination or reexamination is not eligible for postponement a second time and will be required to submit a new application for approval by the Examining Board. If an applicant wishes to postpone an examination the applicant will notify the Secretary of the Examining Board to that effect a minimum of one week prior to the date of said examination. Failure to notify the Secretary of the Examining Board as prescribed and failure to appear for the scheduled examination will be counted as a failure of the examination.

005. The examinations required for registration as a professional land surveyor are the Principles and Practice of surveying exam (PS exam) administered by the National Council of Examiners for Engineering and Surveying (NCEES) and the Nebraska State Specific examination administered by the Secretary of the Examining Board.

006. The examination required for registration as a surveyor-in-training is the Fundamentals of Surveying exam (FS exam) administered by the National Council of Examiners for Engineering and Surveying (NCEES).

007. Each applicant will include a digest of training and experience. No applicant is eligible for examination until they have the minimum experience required by the Land Surveyors Regulation Act.

- 008.** Each applicant may be called before the Examining Board and/or the Secretary of the Examining Board for a personal interview.
- 009.** Successful applicants will have passed the relevant examination to qualify for registration. The examination grade is certified by the National Council of Examiners for Engineers and Surveyors (NCEES) and/or the Secretary of the Examining Board. The Secretary of the Examining Board will report to the Examining Board the examination results. Upon receipt of the report, the Examining Board will determine which applicants have passed the examination.
- 010.** If an applicant fails to qualify for registration due to failure of the examination, the applicant may be re-examined once at the discretion of the Examining Board without submitting a new application.
- 011.** Upon notification by the Examining Board that an applicant has passed the examination, the applicant will submit the appropriate registration fee as set forth in the fee schedule and made payable to the Board of Examiners for Land Surveyors.
- 012.** The Secretary of the Examining Board will send a pre-exam take-home questionnaire relative to surveying laws in Nebraska to all applicants for registration by reciprocity and such applicants are required to submit the completed questionnaire to the Secretary of the Examining Board prior to testing. The Secretary of the Examining Board administers the Nebraska State Specific examination and interviews all applicants for registration by reciprocity. The interview and examination are required to be completed within 2 years after notification of approval by the Examining Board.
- 013.** The Examining Board may require the holder of an inactive registration applying for active registration to complete the same examination as a surveyor-in-training applying for registration as a professional land surveyor or the Examining Board may waive the written portion of the examination by allowing the applicant to demonstrate proficiency in land surveying by providing proof of professional development. Proof of professional development includes completing 45 Professional Development Hours (PDHs) as defined in Chapter 8 of these rules. All PDHs will need to be obtained during the actual time the applicant's registration has been inactive. The PDHs will be reported on the form provided by the Examining Board and the applicant will need to provide supporting documentation. Any PDHs which are used to apply for active registration are to be used for that purpose exclusively and will not count in any other capacity in these rules.
- 014.** When an applicant is rejected for any reason, the unsuccessful applicant will be notified as such by the Secretary of the Examining Board.

CHAPTER - 5 - CERTIFICATE OF REGISTRATION:

001. When the Examining Board has determined that an applicant for registration by examination has satisfied the registration requirements set forth herein, the Examining Board will issue a certificate of registration and an official seal containing the professional land surveyor's full name and registration number.

002. Upon application, accompanied by a full statement of the circumstances of loss or destruction of the original, a duplicate registration certificate may be issued at the discretion of the Chairperson and/or Secretary of the Examining Board. The fee for issuing a duplicate registration certificate is as set forth in the fee schedule and made payable to the Board of Examiners for Land Surveyors.

003. The duplicate certificate issued will bear the same name and number as the original.

004. A replacement certificate and seal may be requested from the Examining Board in the event of a legal name change of the registrant. The registrant will need to submit documentation supporting the legal name change, will be responsible to pay for all costs incurred necessary to obtain a replacement seal and will be charged the same fee for a new certificate as when a duplicate certificate is issued.

CHAPTER - 6 - THE REGISTERED PROFESSIONAL LAND SURVEYOR'S SEAL:

001. Use of the Seal.

001.01. Each person registered as a professional land surveyor will be issued a rubber stamp seal and a digital seal by the Examining Board. The professional land surveyor may use any seal issued by the Examining Board. In the absence of legibility, the seal is invalid.

001.02. The purpose of the seal is to assist in identification of the professional land surveyor responsible for work performed under the authority of the Land Surveyors Regulation Act.

001.03. The responsible professional land surveyor shall identify all work that they have prepared, as well as all work that has been prepared under their direct supervision.

001.04. All specifications, reports, studies, plats, surveys, and any other documents prepared by a professional land surveyor under the authority of the Land Surveyors Regulation Act, should be signed and sealed on the title page or the first page of the document by the individual professional land surveyor responsible for the work. Two or more professional land surveyors may affix their signatures and seals to the document provided it is designated by a statement, surveyor's certificate, or note the specific subject matter for which each is responsible.

001.05. No seal shall be valid unless accompanied by a signature next to or signed across the face of the seal with the professional land surveyor's name and the date on which the document was signed.

001.06. Documents clearly marked as "Draft" or "Preliminary" prepared for submission and review do not require the professional's seal, signature, and date, including documents prepared for a client or governmental agency.

001.07. Professional land surveyors are responsible for providing adequate security over their seal and signature wherever it appears, regardless of whether the seal and signature is produced electronically or by other means.

002. Direct Supervision of Work - In order to exercise full professional knowledge of and control over work, a registered professional land surveyor in direct supervision of land surveying work must have ordinary and direct oversight and guidance of a subordinate performing land surveying work including client survey requirements at the time the work occurs, and the supervisor/registrant's acceptance of responsibility for the work.

002.01. Have and exercise the authority to review and to change, reject, or approve both the work in progress and the final work product, through a continuous process of examination, evaluation, communication, and direction throughout the development of the work.

002.02. Be personally aware of the project's scope, needs, parameters, limitations, and special requirements.

002.03. Be capable of answering questions relevant to the land surveying decisions made as part of the services provided, in sufficient detail to demonstrate knowledge of and proficiency in the work.

002.04. Be reasonably satisfied with the product of the services rendered and accept full responsibility for the work.

002.05. Requires at a minimum that the supervisor and the subordinate are employed by the same entity/employer. The Examining Board has final authority regarding the determination of whether technical documents were actually prepared under the direct supervision of a registrant.

003. Preliminary and Final Plats

003.01. Preliminary plats must be prepared by a professional land surveyor, but are not required to be signed, sealed, or certified.

003.02. Final plats must be prepared, signed, sealed, and certified by a professional land surveyor. If, however, the final plat contains public works features such as paving, sewers, water lines, or other engineering work, such work will need to be prepared and certified by both a professional land surveyor and a professional engineer. Activities defined as land surveying by

the Land Surveyors Regulation Act shown upon a final plat are the responsibility of a professional land surveyor. Physical details defined as creative work in engineering sciences by the Engineers and Architects Regulation Act, are the responsibility of a professional engineer.

CHAPTER - 7 - PROFESSIONAL DEVELOPMENT:

001. As a condition for renewal of a Certificate of Registration for the Practice of Land Surveying in Nebraska, all actively registered professional land surveyors are required to successfully complete 30 hours of professional development within the preceding 2 calendar years. Any certificate holder who completes in excess of 30 hours of professional development within the preceding 2 calendar years may have the excess, not to exceed 15 hours, applied to the next biennium. All Professional Development Hours (PDHs) must be obtained during the time the professional land surveyor's registration has been active. Professional Development Hours specifically for compliance with paragraph 008. of this chapter and/or paragraph 013. of Chapter 4 will not apply to the biennial conditions for renewal and will only be counted toward those specific purposes exclusively.

002. Professional Development Hours (PDHs) are credited based upon the following list:

002.01. The active full-time teaching of land surveying as defined by the Land Surveyors Regulation Act, at the college level within the immediately preceding 2 calendar years shall be counted as 3 PDHs per calendar year. Partial fulfillment of a calendar year in this rule will not be counted. Maximum credit of 6 PDHs in this category in any renewal period.

002.02. Membership in a local, regional, state or national society which is directly related to the practice of land surveying shall be counted as 1 PDH per society per calendar year with a maximum credit of 4 PDHs in this category in any renewal period.

002.03. Serving as a member of a board or commission which has as its primary duty the registration and review of professional land surveyors, such as a state board of registration, shall be counted as 1 PDH per calendar year.

002.04. Serving as a member of a committee of a board or commission which has as its primary duty the preparation and grading of written tests which are given for the purpose of determining the proficiency of an applicant for registration as a professional land surveyor shall be counted as 5 PDHs per calendar year.

002.05. Organizing a conference or seminar with a duration of a minimum of 4 hours which is directly related to land surveying shall be counted as 1.5 PDHs per conference or seminar.

002.06. Attendance at a workshop, conference, or seminar which is directly related to land surveying shall be counted as 1 PDH per actual hour of attendance. "Attendance at" includes participation on a live interactive video conference. Such sessions must be certified by the sponsoring organization, planned in advance, and a record maintained describing the content.

002.07. Teaching at a workshop, conference, or seminar which is directly related to land surveying shall be counted as 2 PDHs per actual hour of teaching time, not to include any preparation time.

002.08. College level courses directly related to land surveying shall be counted as 30 PDHs per credit hour.

002.09. Non-college level extension or correspondence courses which are directly related to land surveying shall be counted as 15 PDHs per credit hour.

002.10. Publication of and/or presentation at a technical meeting of a professional paper, authored by the writer or presenter, directly related to land surveying shall be counted as 5 PDHs per professional paper. The maximum allowable under this paragraph is 15 PDHs in any renewal period.

002.11. Completion of "on-line" correspondence, televised, videotaped, audiotaped and other non-interactive or pre-recorded short courses/tutorials shall be counted as 1 PDH per actual hour of attendance. An exam is required for completion unless attendance is documented. The maximum allowable under this paragraph is 15 PDHs in any renewal period.

002.12. Completion of a minimum of 2 hours of Professional Development in an ethics course or a course on the Nebraska Land Surveyors Regulation Act is required for each renewal period. This course may be "on-line" or in person and is counted toward any previously established maximum described above.

003. Each registrant applying for renewal is required to submit a statement of their PDHs obtained in the period defined in this chapter in paragraph 001. Should the registrant desire to have any excess PDHs applied to the requirement for the next biennium it shall be so stated in the space provided on said form. If the Examining Board should, for any reason, deny or modify the registrant's request for carry-over, the Secretary of the Examining Board will notify the registrant of such action on or before the immediately following April 15th. The registrant's renewal application is to be submitted on a form provided by the Examining Board, containing a statement, signed by the registrant, which certifies the correctness thereof. Such statement will be included on the registrant's request for renewal.

004. The Secretary of the Examining Board will randomly select from the list of potential renewal registrants each biennium a percentage, determined by the Examining Board, to be audited for compliance with paragraph 001. All applicants who have received extensions to complete PDHs in the prior renewal period are automatically added to the audit list. The Examining Board may select for audit any biennial renewal not received on or before January 1st of each odd-numbered year.

005. Any registrant who has submitted a correctly completed renewal application as required in paragraph 003., has met all other requirements, and whose name does not appear on the audit list defined in paragraph 004., may be granted registration renewal by the Secretary of the Examining Board.

006. When a registrant whose number appears on the audit list applies for renewal, the Secretary of the Examining Board will obtain documentation from the registrant showing a detailed accounting of the various PDHs claimed by the registrant, review the documentation, and attempt to verify the PDHs shown on the documentation provided by the registrant. Upon completion of the review, the Secretary of the Examining Board will prepare a recommendation to the Examining Board stating whether the registrant's PDHs meet the requirements of paragraph 001. and 002.

007. The Examining Board will review all documentation and the Secretary of the Examining Board's recommendations of all registrants shown on the audit list. If the Examining Board determines the registrant has met the requirements, the registrant may be granted renewal of their registration. If the Examining Board determines the registrant has not met the requirements, the registrant's registration will not be renewed. Any registrant denied registration by renewal will be notified by the Secretary of the Examining Board.

008. Any registrant not having obtained the necessary minimum PDH's applying for registration renewal, may request an extension at the time of application for renewal. A valid request is received by the Secretary of the Examining Board prior to the end of the registration biennium and shows good cause as to why the registrant was unable to comply with the biennial renewal regulations described in this chapter. An invalid request for an extension is a request received after the end of the registration biennium and is not eligible for consideration of an extension. The request for an extension will include the reason for the request and any relevant documentation supporting the request. The Examining Board may take into consideration such reasons as extensive travel outside the United States, extended illness of the registrant or immediate family members, or the death of an immediate family member. All valid extension requests are ruled on by the Examining Board and the decision of the Examining Board is final. Invalid extension requests will be automatically denied by the Secretary of the Examining Board.

009. Any registrant denied renewal pursuant to this chapter, may contest said ruling by filing an appeal within 30 days of denial by the Examining Board. Appellants may be allowed a hearing as prescribed in Chapter 11. Such hearing will be determined at the convenience of the Examining Board and will be held within 90 days of the receipt of the appeal by the Examining Board. The decision of the Examining Board on all such appeals is final. The current registration of the appellant shall be extended during the appeal process and will run from the date of filing of the appeal until the Examining Board reaches a final decision.

CHAPTER - 8 - BIENNIAL RENEWAL:

001. The registration biennium begins on April 1st of odd numbered years and continues until April 1st of odd numbered years.

002. Prior to November 1st of each even numbered year, the Secretary of the Examining Board will notify all persons currently registered under the Land Surveyors Regulation Act of the current renewal requirements. This notice will include the current biennial fee as set forth in the fee schedule and the form for the reporting of Professional Development Hours.

003. Any registrant applying for renewal must return the Application for Renewal, Professional Development Form and the appropriate fee as set forth in the fee schedule to be received by the Office of the Secretary of the Examining Board on or before January 1st of each odd numbered year.

004. Biennial renewal does not apply to the registration renewal of surveyor-in-training certificates.

005. Upon receipt of the appropriate renewal fee set forth in the fee schedule made payable to the Board of Examiners for Land Surveyors, compliance with all applicable rules, and approval of the Examining Board, the Secretary of the Examining Board will issue a "Renewal of Registration" pocket card to each registrant whose registration is in full force. Such renewal will be for the next biennium unless canceled, suspended or revoked by the Examining Board. The biennial fee is considered an application fee and will not be returned to applicants who are unsuccessful for any reason.

006. Any registration which has not been renewed for the next biennium will be canceled on April 1st immediately following. The Secretary of the Examining Board will immediately remove said registrant from the active roster and within 15 days, notify said registrant of the cancelation of their registration

007. Any registrant so canceled may, on or after April 2nd, reinstate the registration by submitting the Application for Reinstatement of Registration, Professional Development Hours Form, proof of Professional Development Hours, and the appropriate fees. The fee for reinstatement is the same as the biennial renewal fee plus a delinquent fee as set forth in the fee schedule. Upon receipt of the Application for Reinstatement of Registration, Professional Development Hours Form, proof of

Professional Development Hours, and the appropriate fees, the Examining Board will consider reinstatement of said registration for the remainder of the biennium at its next regularly scheduled meeting.

008. Inactive registrants may apply for renewal of inactive registrations by submitting an inactive registration renewal form. Inactive registrants who do not submit an inactive registration renewal form by April 1 of each odd numbered year will be canceled. Inactive registrants are not required to submit proof of Professional Development Hours.

009. Upon receipt of the appropriate renewal fee set forth in the fee schedule and made payable to the Board of Examiners for Land Surveyors, compliance with all applicable rules, and approval of the Examining Board, the registration of each inactive registrant will be renewed. Such renewal is for the next biennium unless canceled or revoked by the Examining Board. The biennial fee is considered an application fee and will not be returned to applicants who are unsuccessful for any reason.

CHAPTER - 9 - CODE OF PRACTICE:

In order to establish and maintain a high standard of integrity, skills and practice in the profession of land surveying and to safeguard life, health and property, the following code of practice shall be binding upon every person registered as a professional land surveyor in this state. The use of this Code of Practice is the guideline for practice, but will not prevent the Examining Board from using its collective experience and judgement to determine when negligence, incompetency or misconduct has occurred in any specific instance.

001. Obligation to the Public

001.01. The registrant, in practicing land surveying, shall be cognizant that their first and foremost responsibility is to the public welfare and act with reasonable care and competence while applying technical knowledge and skill ordinarily applied by professional land surveyors of good standing to safeguard life, health and property of the public.

001.02. The registrant shall approve and seal only those surveys and related documents that conform to the Land Surveyors Regulation Act, Title 234, Nebraska Administrative Code Rules and Regulations, Minimum Standards for Land Surveys in Nebraska, and any other applicable laws within the State of Nebraska.

001.03. The registrant shall notify their employer or client and such other authority as may be appropriate when the registrant's professional judgment is overruled under circumstances where the life, health and property of the public is endangered.

001.04. The registrant shall not knowingly violate any state or federal criminal law in the conduct of their professional practice.

001.05. The registrant shall comply with the laws and rules governing their professional practice in any United States jurisdiction.

001.06. The registrant shall not engage in conduct involving fraud or wanton disregard of the rights of others.

001.07. The registrant shall not engage in grossly immoral or dishonorable conduct which would provide evidence of unfitness to perform the tasks required by clients or would provide evidence of a degree of proficiency which is not sufficient to safeguard life, health and property of the public.

001.08. The registrant possessing knowledge of a violation of these rules and state statutes by another registrant shall report such knowledge to the Examining Board.

002. Obligation to Employers and Clients

002.01. The registrant shall undertake to perform professional services only when the registrant, together with those whom the registrant may engage as consultants, is qualified by education, training, and experience in the specific technical areas involved.

002.02. The registrant shall accurately represent to a prospective or existing client or employer their qualifications and the scope of their responsibility in connection with work for which the registrant is claiming credit.

002.03. The registrant shall make full prior disclosures to a prospective or existing client or employer of any conflicts of interest or other circumstances which could influence or appear to influence the registrant's judgment or quality of service.

002.04. The registrant shall not affix their signature or seal to any work pertaining to any technical discipline or specialty in which the registrant lacks lawful registration, education, experience or competence.

002.05. The registrant shall not affix their signature or seal to any work not prepared by the registrant nor to any work not prepared under the registrant's direct supervision without thorough technical review by the registrant.

002.06. The registrant will not offer any gift or monetary payment to a government official, prospective client, existing client, past or present employer with the intent of influencing judgment in connection with any project in which the registrant is interested or has had

interest.

003. Obligation to other Registrants

003.01. The registrant shall not misrepresent their qualifications or allow the misrepresentation of their qualifications, their associates' qualifications, or their academic or professional qualifications. The registrant shall not misrepresent or exaggerate their degree of responsibility in prior assignments nor the complexity of said assignments. Presentations regarding solicitation of employment or business shall not misrepresent pertinent facts concerning employers, employees, associates, joint ventures, or past accomplishments.

003.02. The registrant shall not deliberately make a materially false statement or deliberately fail to disclose accurately and completely a material fact requested in connection with their application for registration or renewal or otherwise requested by the Examining Board.

003.03. The registrant shall not assist the application for registration of a person known by the registrant to be unqualified in respect to education, training, experience, or character.

003.04. The registrant shall notify the Examining Board within 30 days if the registrant has been disciplined in another state with a reprimand, censure, suspension, temporary suspension, probation, revocation, voluntary surrender or refusal to renew a registration.

CHAPTER - 10 - ENFORCEMENT:

001. Obligation to the Public

001.01. When a complaint is received by the Examining Board in which a professional land surveyor is alleged to have violated the Land Surveyors Regulation Act, or if the Examining Board becomes aware of a compliance issue that may constitute a violation of the Act, the Examining Board may refer the complaint or compliance issue to a committee and/or an investigator, or may consider the complaint or compliance issue without such referral. The Chairperson may appoint a committee and/or an investigator to investigate the active or inactive registered professional land surveyor upon a motion of the Examining Board.

001.02. The committee and/or investigator will make a recommendation to the Examining Board as to:

001.02.01. Whether the matter should be dismissed for lack of probable cause; or

001.02.02. Whether there is probable cause that a violation of the Act has occurred; or

001.02.03. Whether further investigation is required in order to determine whether there is probable cause.

001.03. Upon receipt of a recommendation or upon consideration by the Examining Board, the Examining Board will determine whether there is probable cause and, if so, whether an informal or a formal process should be undertaken to resolve the matter. If the Examining Board finds there is no probable cause, the complaint may be dismissed.

001.03.01. The Board may make a determination on probable cause with or without having requested a response from the respondent.

001.04. A complaint or compliance issue against any professional land surveyor may be brought in the name of the Examining Board. If any member of the Examining Board discovers a probable violation of the Act, the member may bring it to the Examining Board's attention.

002. Informal Process - The Examining Board may utilize an informal process as described below in lieu of, or as a prerequisite for, entering into a formal legal process.

002.01. The respondent is entitled to copies of the complaint and all information upon which the probable cause determination was made.

002.02. The Examining Board and the respondent may reach an agreement as to the terms of the resolution of the matter without the respondent's appearance before the Examining Board.

002.03. If an agreement is not reached without the appearance of the respondent, the respondent will be requested in writing to appear before the Examining Board for an informal discussion of the matter.

002.03.01. The Examining Board may, but need not, request any other party involved in the complaint to appear along with the respondent. Such appearance is voluntary and cannot be compelled.

002.03.02. Copies of the documents referred to in Rule 002.01 shall be provided to the respondent no later than the time the request to appear is made.

002.04. At the scheduled meeting with the Examining Board, the Chairperson shall clearly state to the party or parties that the meeting is informal and that no individuals or organizations will be giving up their rights to due process by participating in the informal process.

002.05. The Examining Board may request that a respondent or any other party or parties provide materials, documents, or exhibits prior to the informal hearing to facilitate the discussion with the Examining Board.

002.06. The matter will be resolved if the Examining Board and the respondent can reach terms of mutual agreement on the issues, and a consent agreement or other such document is executed on those terms. Acceptable terms may include, but are not limited to, a requirement for additional professional education, limitations on practice, revision of land surveys, or modification of survey practice.

002.07. The Examining Board may separate issues within a complaint into those that can be resolved with an informal process from those that must be resolved under a formal process.

002.08. The respondent's participation in the informal process is voluntary, not mandatory.

003. Formal Process

003.01. The procedure for hearings in matters not resolved by informal process shall be in accordance with Title 53, Nebraska Administrative Code, Chapter 4 of the Nebraska Department of Justice.

003.01.01. The formal process shall be initiated by the filing of a petition in accordance with the Nebraska Administrative Code. The Board's receipt of a complaint does not constitute initiation of a formal process.

003.02. Any person aggrieved by a final decision in a formal process is entitled to judicial review under the Administrative Procedures Act, or resort to such other means of review as may be provided by law.

CHAPTER - 11 - DISCIPLINARY ACTIONS:

001. The Examining Board may revoke or suspend the registration of any actively or inactive registered professional land surveyor or place any professional land surveyor on probation when such professional land surveyor has been found guilty of: (1) fraud or deceit in obtaining a registration; (2) negligence or incompetency in the performance of their duties; (3) misconduct in the performance of their duties; (4) failure to file a record of survey as provided in section 81-8,122.01; or (5) actively practicing land surveying while inactive registered. Before the Examining Board takes such disciplinary action, the applicant or registrant shall be given a hearing conducted in accordance with applicable rules, regulations, and statutes.

002. The "Minimum Standards for Land Surveys in Nebraska" are hereby made part of these rules and regulations as Chapter 12. The "Minimum Standards for Improvement Location Reports" are hereby made part of these rules and regulations as Chapter 13. The Examining Board, in consideration of any action based upon negligence, incompetency or misconduct of any professional land surveyor or inactive registrant, will use these above noted "Minimum Standards"

and all publications to which they refer for reference. The use of these standards will be the guideline for practice but, will not prevent the Examining Board from using its collective experience and judgement to determine when negligence, incompetency or misconduct has occurred in any specific instance.

003. Any actively or inactively registered professional land surveyor who received their registration based upon registration in another state shall be subject to disciplinary action based entirely upon actions taken by that state. In the event that said state revokes such registration, the Examining Board shall revoke the Nebraska registration. In the event that said state suspends such registration, the Examining Board shall suspend the Nebraska registration for a similar period. Any revocation or suspension implemented under this paragraph shall become effective 30 days after the action of the Examining Board unless appealed by the registrant. In the event of an appeal, the registrant shall be given a hearing conducted in accordance with applicable rules, regulations, and statutes.

CHAPTER - 12 - MINIMUM STANDARDS FOR LAND SURVEYS IN NEBRASKA:

(A) Preface

These Minimum Standards were duly adopted by the State Board of Examiners for Land Surveyors and have been incorporated into the Rules and Regulations. It is the intent of these Minimum Standards to provide the professional land surveyors and the public with a realistic and prudent standard necessary in the performance of a land survey.

These written standards are established to define the minimum level of performance which is acceptable for land surveys in the State of Nebraska.

(B) Scope

The Minimum Standards of this section are the guidelines which shall apply to every land survey performed in the State of Nebraska, except where higher standards for land surveys are prescribed by statute, administrative rule or ordinance, then such higher standards shall govern.

- 1.** When a land survey involves certain corners or lines of the Public Land Survey System (PLSS) that are covered under the most recent edition of the "Manual of Surveying Instructions for the Survey of the Public Lands of the United States" prepared by the United States Department of the Interior, Bureau of Land Management, Cadastral Survey, then the most recent rules or instructions for these particular surveys shall apply.
- 2.** When a land survey involves certain corners or lines covered by instructions issued by the State Surveyor, then the rules or instructions for these particular surveys shall apply.

3. When a professional land surveyor is engaged by client contract under the current "Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys", then the rules or instructions for these particular surveys shall apply.
4. A professional land surveyor may be required to perform land survey work at a higher standard by their client when agreed upon by a written contract agreement.

(C) Definitions

Any term not specifically defined herein shall be as defined in the most current publication of the "Definitions of Surveying and Associated Terms" as published by the American Congress on Surveying and Mapping (ACSM) now merged with the National Society of Professional Surveyors. For the purpose of this section, all the definitions listed that differ from any other source are to be interpreted as written herein.

1. "Land Surveying" - Activities as defined in The Land Surveyors Regulation Act, Nebraska Revised Statute, §81-8,109, as amended. Under this definition are included two general types of surveys.
 - a. An "Original Survey" is where a survey is made and a new description is created from such survey. The Original Survey establishes boundary lines within a tract of land which has previously existed as one unit or parcel, and a line or lines of a parcel or tract is described and monumented for the first time.
 - b. "Resurvey" or "Retracement Survey" is where an existing recorded description is retraced. A Retracement Survey follows the footsteps of the original professional land surveyor, locating the boundary lines and corners which have been established by the Original Survey.

Appropriate procedures must be used in each case.

2. "Control Survey" - A survey that utilizes and/or establishes primary monuments that form the basis of control, both horizontally and vertically, from which subordinate surveys are referenced into and adjusted. These surveys may include, but are not limited to, route alignments, photogrammetry, topographic mapping and boundary surveys. The positions of the monuments within a control survey provide the standard of accuracy from which subsequent and subordinate surveys are governed.
3. "Responsible Charge" - A position that requires initiative skill and independent judgment of the observations, measurements, and descriptions involved in land surveying work. This term excludes chainman, rodman, instrument person, ordinary drafter and others doing routine

work. Responsible Charge does not include the obligation of financial liability.

4. "Direct Supervision" - Refer to Chapter 6, Section 002. for the definition of Direct Supervision.
5. "Subordinate" - Any person directly supervised or managed by a professional land surveyor and employed by the same entity/employer who assists the professional land surveyor in the practice of land surveying without assuming the legal responsibility for such work.
6. "Plat" or "Survey Map"- Any graphic representation of the survey.
7. "Minimum Standard" - The minimum level of performance that is acceptable.
8. "Public Land Survey System (PLSS)" - The surveying method developed and used in Nebraska to subdivide land in the public domain into section, township, and range, platted and approved by the General Land Office of the United States of America.
9. "Linear Error of Closure" - Computed as the square root of the sum of the squares of the error in the north and east coordinates.
10. "Relative Error of Closure" - Computed as the value of the total length of the perimeter of the survey divided by the linear error of closure and expressed as a ratio of one (1) part in 'N' parts.
11. "Client" - The person with whom the contract for work is made. This may or may not be the title owner of the property.
12. "Legal Description" - A written description usually contained in an act of conveyance, judgment of possession, or recognized by law as to the definite location of a property by metes and bounds or by reference to government surveys, aliquot parts, government lots, coordinate systems or recorded maps; a description which is sufficient to locate the property without oral testimony.
13. "Metes and Bounds Description" - A description of a parcel of land by reference to course and distances around the tract, and/or by reference to natural and/or artificial monuments.
14. "Encroachment" - Any structure or obstruction which intrudes upon, invades into the space of, or trespasses upon the property of another.
15. "Corner" - A point on a land boundary at which two or more boundary lines meet or at the end of a single line. It is not the same as a monument, which refers to the physical evidence at the corner's location on the ground.

- 16. "Monument"** - A physical object or structure which marks the location of a corner or other survey point. In public land surveys, the term corner is employed to denote a point determined by the surveying process, whereas the monument is the physical object installed, or structure erected, to mark the corner point upon the earth's surface. Monument and corner are not synonymous, although the two terms have often been used in the same sense.
- 17. "Natural Monuments"** - Objects which are the work of nature, such as streams, rivers, ponds, lakes, bays, trees, rock outcroppings, and other definitive topographic features.
- 18. "Artificial Monuments"** - Relatively permanent objects used to identify the location of a corner. These monuments shall retain a stable and distinctive location and shall be of sufficient size and composition to resist the deteriorating forces of nature, such as, roads, ditches, fences, buildings, power poles, or any other man-made features.
- 19. "Bench Mark"** - An identified stable point, natural or artificial, for which there is a known elevation referenced to an assumed, local, state or national datum plane.
- 20. "Positional Accuracy"** - The difference between the actual position of a monument on the ground and the position as reported by measurements on the plat or map.
- 21. "Positional Tolerance"** - The distance that any monument may be mis located in relation to any other monument cited in the survey.
- 22. "Parol Evidence"** - Evidence gathered by testimony of witnesses. A witness who gives written or verbal testimony concerning positive knowledge of the location of an original monument prior to its destruction is said to give "parol evidence"./p>

(D) Legal Description

A written description usually contained in an act of conveyance, judgment of possession, or recognized by law as to the definite location of a property by metes and bounds or by reference to government surveys, aliquot parts, government lots, coordinate systems or recorded maps; a description which is sufficient to locate the property without oral testimony.

- 1.** Public Land Survey System (PLSS) descriptions shall contain government lot or quarter-quarter section and/or quarter section along with section, township, range, principal meridian, city (where applicable), county, and state.
- 2.** Tax lots, irregular tracts, etcetera, with a record description shall be referenced to the Public Land Survey System (PLSS) as listed in "1" above.

3. Subdivisions shall be referenced as in "1" or "2" above and shall contain such further identifiers as lots and/or blocks, where applicable. A resurvey within a recorded subdivision shall contain the lot and/or block number (where applicable), subdivision name (as titled on original recorded plat), city, county, and state, and where recorded (if necessary) and the term replat (where applicable). The common term "Addition" is often a part of the name of a subdivision and is often confused with the legal term "Subdivision".
4. Metes and Bounds surveys shall contain sufficient identifiers and dimensions to enable the description to be plotted and retraced and be referenced to corners of record as in "1", "2" or "3" above.
5. Three dimensional descriptions shall contain the items called for in "4" above and also contain elevations referenced to a bench mark of a defined datum. The vertical datum shall reference a defined national, state, or local datum and shall be clearly identified on the plat.
6. Condominium descriptions shall be as defined in the "Condominium Property Act", set forth in Nebraska Revised Statutes, Sections 76-801 through 76-894, as amended.

(E) Research and Investigation

Research of background data shall be conducted prior to beginning the survey. The professional land surveyor shall analyze the data and determine the most logical procedure to follow in conducting the survey. Background data shall consist of, but is not limited to, existing field notes, plats, deeds and ownership records. The professional land surveyor shall list upon the plat the background data used in determining the results of the survey when the facts are questionable, debatable, complex, require additional explanation or not easily understood.

(F) Conduct of Survey

The professional land surveyor shall, personally or under their direct supervision, perform a survey consisting of, but not limited to, the following items:

1. Search thoroughly for necessary controlling monuments and other physical evidence. If recorded or unrecorded monuments are not used, the professional land surveyor must indicate the reason they were not used during the course of the survey.
2. Evaluate the evidence.
3. Investigate possible parol evidence that could support the positions of obliterated monuments and record the necessary statements (signed and dated if possible).

4. Cooperate with appropriate public officials, such as officials of the state, county, city, natural resources district, public power, etc.
5. Take the necessary measurements to verify found evidence.
6. Make sufficient check measurements and computations to satisfactorily verify that the work is correct as shown upon the plat.
7. In the event of the discovery of a relevant disagreement with the work of another professional land surveyor, the present land surveyor shall contact the previous land surveyor, if possible, and attempt to resolve the disagreement.
8. Apply the proper theory of reestablishment of corners in accordance with the Nebraska State Statutes, the most recent edition of the "Manual of Surveying Instructions for the Survey of the Public Lands of the United States", instructions issued by the State Surveyor under authority of the Board of Educational Lands and Funds, and legal precedent.
9. Set all monuments as required to complete the survey. The professional land surveyor must make a thorough search for existing monuments, both recorded and unrecorded, before establishing a new position for a corner. The professional land surveyor shall accurately show all the data such as angles, bearings, and distances to calculated points that are needed to show how the positions for the established monuments were determined. These may include, but are not limited to, PLSS corners, block corners, right-of-way lines, and meander lines. In situations where construction activities make it impractical to set corners on a Plat or Certificate of Survey at the time of recording said document, the professional land surveyor shall set the monuments within 60 days from the end of construction and/or in accordance with rules defined by local jurisdictions.
10. Retain all pertinent information, measurements and observations made in the field during the course of the survey in an appropriate and retrievable form, and in a manner that is intelligible to another professional land surveyor.

(G) Plat or Certificate of Survey

The client shall be furnished a record of the survey which shall show and identify the following information:

1. Those items required by the Land Surveyors Regulation Act, Nebraska Revised Statutes, Sections 81-8,108 through 81-8,127, inclusive, as amended.
2. A description and physical characteristics of all found and/or set monuments shall be described accurately.

3. North arrow and scale.
4. Basis of bearing or assumed bearing. When the direction of a line is used to establish any course on the boundary of a survey or used to compute the area, the direction of the line shall be made a part of the plat of survey and shown by angle or bearing or azimuth with a reference given for the bearing or azimuth system.
5. Curved lines shall include sufficient data necessary to compute and plot the curve.
6. When coordinates are shown on the drawing, such as those relating to the Nebraska State Plane Grid Coordinates, Universal Transverse Mercator, or any modified or local coordinate system, then the following information shall be included:
 - a. The datum on which the coordinates are based.
 - b. The zone(s) if applicable.
 - c. Modifications or adjustment factors, such as scale factor, shift or transformation.
 - d. The source data of the coordinates.
7. When necessary, adjoining parcels may be identified by description or their permanent filing record reference and any gaps or overlaps shall be identified and dimensioned.
8. Easements of record shall be accurately shown upon the plat and survey (where applicable) and referenced by book and page, when requested by the client.
9. Data sufficient to indicate the theory that was applied in finalizing the location of the corners and any data at variance with this theory. Such data should be sufficient so a competent professional land surveyor can make a straightforward retracement.
10. The date of the completion of the survey.
 - a. Nebraska Revised Statute 81-8,122.01 requires that "The record of survey shall be filed within ninety days after the completion of the survey", therefore; the date of the completion of the survey shall be defined as such in the following situations:
 - i. New Subdivision - The date of the completion of the survey shall be defined as being the date the final plat is filed with the Register of Deeds of the county.
 - ii. ALTA Land Title Survey - The date of the completion of the survey shall be defined as being the date the final survey plat is printed, signed and delivered to the client.

iii. For all other surveys including but not limited to, easements, platted lot retracements, metes and bounds, section subdivision, or any other survey of land or property, the date of the completion of the survey shall be the date signed and sealed by the professional land surveyor.

11. Surveyor's Certificate. A certification by the professional land surveyor shall contain:

- a. A statement of the professional land surveyor's authority to perform the survey.
- b. That the professional land surveyor personally or under the professional land surveyor's direct supervision performed the land survey.
- c. A statement that the survey was made in accordance with the laws applying to land surveying within the State of Nebraska in effect at the time of the survey.

A sample of a Surveyor's Certificate is located in Appendix II.

12. The professional land surveyor's signature, official seal issued by the State Board of Examiners for Land Surveyors, and the date signed.

(H) Monumentation

- 1.** The professional land surveyor shall establish, reestablish, or confirm the location of found permanent monuments at each corner or end point on the boundary lines of the parcel or line(s) being surveyed.
- 2.** The professional land surveyor should avoid placing another monument near the same location of a previously established existing monument marking the same corner if the previous monument is believed to be in its original location. The present professional land surveyor must use good judgment to analyze the procedure of the previous professional land surveyor and consider the era and methods in which the previous monument was placed. The distance and direction between corner locations should be considered when attempting to establish another monument at the same location. If the present professional land surveyor places another monument near the location of an existing monument, the professional land surveyor must clearly identify and reference on the plat the discrepancy by angle and/or distance and indicate the reason for not accepting a previously placed monument.
- 3.** Monuments shall be solidly placed and substantially free from movement. In such cases where the placement of a permanent monument at the true corner is impractical because of circumstances such as instability or likelihood to be destroyed, the professional land surveyor shall set a corner accessory monument and show its relationship by dimension to the true corner on the plat.

- a. Witness Corner (WC): Is a monument used where the boundary corner position cannot be permanently established. This monumented survey point is set on the surveyed boundary line, or a prolongation thereof, and it may be stamped and shall be identified as "WC" on the plat.
 - b. Reference Monument (RM): Is a monument used where a corner position is impractical to monument directly, or a witness corner cannot be set as described above. The professional land surveyor shall set at least two Reference Monuments. These monuments are not set on the boundary lines or prolongation thereof, and they may be stamped and shall be identified as "RM" on the plat.
- 4. Any monument set shall be constructed of material capable of being detected by commonly used magnetic locators.
 - a. These monuments shall consist of a minimum:
 - i. Iron pipe with a minimal inside diameter of one-half (1/2) inch, and minimum length of twenty-four (24) inches.
 - ii. Steel rod or steel reinforcing rod with a minimal outside diameter of one-half (1/2) inch and minimum length of twenty-four (24) inches.
 - b. An identification accessory, such as a cap, tag, washer, etc., bearing the registration number of the professional land surveyor responsible for the establishment of the monument, shall be affixed securely to the top of each monument. The professional land surveyor shall not place an identification accessory upon a found monument or remove the identification accessory of another professional land surveyor.
 - c. When extenuating circumstances dictate, the professional land surveyor may use such monuments as an embossed nail or a nail with an embossed washer or tag which has a probability of permanence. All monuments shall bear the registration number of the professional land surveyor responsible for the establishment or perpetuation of the monument, including perpetuated government corners.
 - d. Where a corner or a line falls on or within a wall, column line or other physical feature and the placement of a monument is not feasible, the wall, column line or other physical feature shall become the monument by reference thereto, or a Witness Corner may be set as described in Section H.3(a) hereof.
- 5. All corners of the Public Land Survey System (PLSS) shall be monumented and perpetuated in accordance with Nebraska Revised Statutes 23-1907 and 23-1908.

6. All Section, Quarter, and Quarter-Quarter corners of the Public Land Survey System (PLSS), established and perpetuated as necessary for the completion of the survey, shall have a minimum of three (3) reference ties, with a horizontally measured distance, recorded to 0.01 foot and accurate to 0.10 foot. If using the minimum three (3) reference ties, each shall be in different 90° quadrants. The purpose of reference ties is to reestablish the corner if lost or obliterated. In situations where physical objects are not readily available upon which to place ties, the professional land surveyor should establish reference monument ties of a suitable, stable, and identifiable material of a different physical characteristic from the monument at the corner point. The professional land surveyor should refer to the instructions issued by the State Surveyor under the authority of the Board of Educational Lands and Funds. Additional references to any substantial natural or man-made features within the vicinity of the perpetuated corner should be called for in addition to the three (3) reference ties required.

7. The maximum allowable reference tie distances should be 200 feet. Measurements taken by EDM total station or GPS may also include the interior angle measured between all the recorded reference ties. GPS measurements should only be used when both the corner monument and the reference tie can be physically occupied.

(I) Priority of Calls

The "Priority of Calls" is a standard set of guidelines to be followed by professional land surveyors. When considered or applied they can assist the professional land surveyor in creating new parcels of land or in retracing previously created parcels of land. They can assist the attorney in litigating disputes as to the title and boundaries of land.

1. Lines actually run on the ground by the creating professional land surveyor.

a. Includes corners established, monuments set and lines marked at the time of the survey. This assumes the professional land surveyor placed the original line where the parties intended it.

2. Calls for Natural Monuments.

a. These monuments are the least likely to be moved. Regardless of distance or angle called for in the deed, when the deed calls to this monument it is interpreted that the intent of the parties was to go to this monument and it is controlling.

3. Calls for Artificial Monuments.

- a. These are calls to monuments that have been set by someone or created by man-made means. Artificial monuments may be concrete, rebar, iron pipes, fence corners, etc. For example, iron pins found are controlling, not the distance.
4. Calls for adjoining parcels that are senior in title.
 - a. These are calls that identify adjoiners in the survey and called for in the descriptions. These are bounds descriptions. These lines were previously established and control, regardless of the bearings and distances.
5. Calls for Bearings and Distances.
 - a. If no monuments are called for or found and if there are no calls for adjoining owners, the bearings and distances will control. In Nebraska, distances control before bearings.
6. Calls for Area.
 - a. This has historically been the last priority for a call in a deed. Typically, the area is a calculation based upon the measured lines and therefore it is a derivative of a higher priority feature within the legal description.

(J) Perpetuation of the Land Survey Plat

1. The professional land surveyor shall file a record of all land surveys in accordance with the Land Surveyors Regulation Act.
2. Copies of the records of the survey and other plats provided to the client along with field notes and pertinent data shall be retained and maintained in a retrievable manner by the professional land surveyor and/or their employer/entity for a period of not less than 10 years.

(K) Technical Minimums

1. The professional land surveyor shall determine the appropriate accuracy and make the required measurements necessary to adequately relate the positions of all apparent evidence pertinent to the boundary of the property. In no case shall the accuracy standard have a relative positional tolerance of more than 0.25 feet, plus 100 parts per million (PPM) with the accuracy given at the 95 percent confidence level. The closure and accuracy chart is located in Appendix I.
2. Positional Accuracy Specification and Positional Tolerances.

If radial survey methods, global positioning systems (GPS) or other acceptable technologies or procedures are used to locate or establish points on the boundary survey, the professional land surveyor shall apply acceptable surveying procedures in order to assure that the allowable positional accuracy and/or positional tolerance of such points are not exceeded.

CHAPTER - 13 - MINIMUM STANDARDS FOR IMPROVEMENT LOCATION REPORTS:

(A) Preface

These standards are the minimum requirements for Improvement Location Reports in the State of Nebraska.

An Improvement Location Report is not represented as a survey or land survey, but rather a report in the form of a plat or map which shows the location of topographic features actually located in a spatial relationship to a tract of land defined by an existing legal description provided by a client. The Improvement Location Report may include the activities of land surveying defined in Nebraska Revised Statute, §81-8,109(4)(d), as amended.

(B) Research and Investigation

1. The professional land surveyor uses the description furnished by the client to perform the Improvement Location Report. If the professional land surveyor determines the description is incomplete, insufficient, or subject to junior/senior rights, the professional land surveyor will advise the client that additional information will be necessary to complete the Improvement Location Report. The professional land surveyor should advise the client that an Improvement Location Report may not be sufficient and that a land survey will be necessary.
2. After all necessary written documents as furnished by the client have been analyzed by the professional land surveyor, the report shall be based on a field investigation of the property. The professional land surveyor shall make a thorough search for physical monuments and analyze evidence of occupation. A minimum of two (2) monuments, acceptable to the professional land surveyor, within the same block in urban situations and within the same section in rural situations, either found or re-established, shall be used.
3. Monuments may be permanent or semi-permanent points such as those commonly recognized by a professional land surveyor including, but not limited to, stones, axles, rebars, crosses, or pipes. Fence lines, mowing lines, hedge rows, etc. are not considered acceptable monuments or representations of the legal boundaries of a tract of land for purposes of defining the boundary of the tract in the improvement location report. Appropriate survey instrumentation and measuring equipment shall be utilized.

4. A professional land surveyor registered in the State of Nebraska should not provide to any party an Improvement Location Report unless in possession of a work order signed by the client as an indication that they have been advised of the difference between an improvement location report and a land survey, and the scope of each.

(C) Drafting

A document titled "Improvement Location Report" with a sketch of the location and spatial relationship of improvements to the tract of land as located, shall include the following minimum information:

1. Lot or boundary lines with the dimensions from the deed description or recorded plat and any measured distances between found monuments.
2. Major improvements, such as permanent structures, with dimensions and descriptions (e.g., residences, garages, outbuildings with foundations, etc.).
3. Major improvements spatially located on the tract with dimensions to the lot or boundary lines, with two dimensions in opposite directions shown for each object.
4. Distances are to be shown radial or perpendicular to the lot or boundary line.
5. The level of certainty of the measurements indicated by the significant digits of each dimension or by means of a general note. Examples: 7.25' ($\pm 0.05'$), 12.5' ($\pm 0.5'$), 20' ($\pm 1'$)
6. Monuments accepted and described.
7. Easements provided to the professional land surveyor by the client.
8. A north arrow and scale.
9. A statement that the accompanying Improvement Location Report is a representation of the conditions that were found at the time of the field investigation and that the document does not constitute a land survey and is subject to any inaccuracies that a subsequent land survey may disclose.
10. A statement that the information shown on the Improvement Location Report may not be used to establish any fence, structure, or other improvements.
11. A statement whether the parcel dimensions shown are based on plat or deed information and those verified by measurement as shown.
12. A statement that the Improvement Location Report represents only visible improvements.

13. The legal description of the tract of land included on the report.

14. The professional land surveyor's signature, seal, and date of the report.

APPENDIX 1

		Remarks and Formula
Unadjusted Closure (maximum allowable)	1:10,000	Traverse Loop or between Control Monuments (closed traverse)
Angular Closure (maximum allowable)	$25''\sqrt{N}$	N = Number of Angles in Traverse (closed traverse)
Accuracy of Bearing	1:10,000	In Relation to Source (closed traverse, radial or GPS)
Linear Distances Accurate to: (maximum allowable)	0.05 ft + ± 0.1 ft per 1,000 ft	Applies when the distance is not part of a Closed Traverse (radial or GPS)
Unadjusted Closure (maximum allowable)	0.1' + 100 PPM	PPM = Parts Per Million (closed traverse, radial or GPS)
Calculation of area - accurate and carried to nearest ____ (decimal place) of an acre (closed traverse, radial or GPS)	0.01	To 1 acre
	0.01	To 10 acres
	0.01	To 100 acres
	0.01	To 1,000 acres

Elevations for Boundaries Controlled by Lakes, Contours, Rivers, etc. Accurate to:	0.4 ft.	Based on Accepted Local Datum (closed traverse, radial or GPS)
Location of Improvements, Structures, Paving, etc.	± 0.5 ft.	(closed traverse, radial or GPS)
Adjusted Mathematical Closure to Survey (Minimum)	1:50,000	(closed traverse, radial or GPS)

Appendix II - PDF (pdf/Appendix 2.pdf)

INFORMATION PROVIDED BY:

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