

Protecting Property Boundaries and The Public Land Survey System in Gibson County

Facts about Property Boundaries

Property boundaries are very complex legal entities. Property boundary locations depend on a wide variety of factors including written deeds, evidence on the ground, and the application of literally hundreds of boundary law principles. Boundaries are almost never a simple math problem.

Other than where there are claims like adverse possession, or where there are water boundaries, once boundary lines have been established on the ground based on a written deed, their locations become fixed and they cannot be moved, unless the owners themselves decide to create a new line by deed.

The Public Land Survey System and the County Surveyor

Once the federal government obtained title to the land of what is now Gibson County in the late 1700's, it was surveyed into six-mile square townships (which are different from civil townships), and one-mile square sections. The original corner markers were wood posts not less than 3 inches in diameter, standing not less than 3 feet tall, and they were generally set every half-mile.

Those original corners form the very foundation of our land system. If their locations are not properly documented and maintained, confidence in our land system is at risk and the locations of property boundaries become uncertain.

Many of those corners have become lost or obliterated in the last 200 years and because of that, Indiana law requires that each county surveyor keep a record of where their section corners were originally set.

The process of locating those corners when they have been lost or obliterated is outlined in great detail in Bureau of Land Management publications, according to laws outlined in Indiana Statutes and the Indiana Administrative Code, and even in court decisions.

There is usually still evidence of where those corners were originally set even though it has now been over 200 years. However, it is not uncommon that a marker that surveyors have been using as a section corner - sometimes for a long period of time - is eventually found to not actually be in the location where the corner was originally set.

When that happens the original section corner location is called the "*record corner*" and the marker that surveyors have been using to establish boundary lines is called the "*title corner*."

In such cases, it is every county surveyor's responsibility under Indiana Statute to locate and document where the corner was originally set - the record corner. It is also in the public's best interest that the county surveyor document the title corner.

This sort of documentation is necessary so that no surveyor or property owner is confused and so that property owners' established property boundaries "bona fide" rights are not disturbed or infringed upon.

Gibson County

The original section surveys in Gibson County started about 1805 and were mostly completed a few years later.

The section corner records that the Gibson County Surveyor has been producing have documented *both* the original section corner locations and - where there is a difference - the title corner locations. This is important in order to assure that surveyors have no confusion over which corner they should use when retracing existing boundary lines.

The county surveyor does not advocate moving boundary lines once they have been established.

Summary

1. Property boundaries are based on applying complex boundary law principles to evidence found in written records and on the ground. There are not merely a function of mathematics.
2. Once established on the ground based on a written conveyance, boundary lines cannot be moved.
3. The Gibson County Surveyor has a statutory obligation to locate and keep a record of the location of the original record corners. It also has a responsibility to do the same for any title corner locations that surveyors have used to locate boundary lines. Both of these corners must be documented in order to protect property owners' boundaries and established property rights.