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Mitchell G. Williams, ed., Land Surveys: A Guide for Lawyers and Other Professionals

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Mitchell G. Williams, ed., *Land Surveys: A Guide for Lawyers and Other Professionals*

dispute resolution. Initially, Sherk discusses how congressional legislation, including the Endangered Species Act and the Clean Water Act, affected existing compacts and agreements. Next, he analyzes how subsequent litigation has affected existing compacts and agreements. Specifically, this part describes how the United States Supreme Court interpreted different compacts to include or exclude items not specifically mentioned in the compacts. Finally, the author discusses how states entered compacts and agreements in response to collateral litigation to prevent such decisions from harming their interests.

In Part Six, *The Conclusion*, Sherk summarizes the text and restates that he intends for this book to assist in conflict resolutions concerning water resources. Sherk concludes that because states will seldom “live happily ever after,” states should focus on conflict management to avoid water resource problems before they arise.

Dividing the Waters is a valuable resource for students, administrators, or legislators as a basic guide to issues surrounding pending interstate water resource litigation and future interstate water resource management decisions. In addition, this text contains extensive appendices of relevant case law, compacts and agreements, and legislation. This text is a great starting point for further research and analysis with respect to water resource conflict resolution.

William H. Fronczak

MITCHELL G. WILLIAMS, ED., LAND SURVEYS: A GUIDE FOR LAWYERS AND OTHER PROFESSIONALS, American Bar Association, Chicago, Illinois (2d ed. 2000); 266pp; \$99.95; ISBN 1-57073-742-8, softcover.

Land Surveys compiles twenty-five educational articles written by twelve different professionals on law and land surveying. The book offers a comprehensive view of the technical and practical issues surrounding land surveys, as well as the relationship between lawyers and surveyors. Most important to the water lawyer, several articles examine land surveys in the context of water boundaries and environmental issues.

Part I, *Land Surveys: An Introduction*, presents the core concepts and practical necessities of accurate land surveys. This section is relevant especially to lawyers as it provides a survey checklist with explanations that accompany each important requirement, and examples of standard forms. Also, an article in this section provides instructions on how to read, interpret, and write land descriptions in an effort to minimize confusion. Another article identifies the many sources of errors in old measurements. The final article aids the attorney in evaluating surveys and survey information.

Part II, *Certifications and Codes of Practice*, outlines the minimum

standard detail requirements for a certified land title survey as adopted by the American Land Title Association and the American Congress on Surveying and Mapping. These requirements provide explicit information regarding surveys involving water boundaries. This section presents several articles dedicated to examining the role of the survey certificate in real estate transactions, the certification process, and the interaction between the lawyer, client, and surveyor. These articles include several examples of survey certificates with explanations and guidelines. Another article in this section compiles the statutes, regulations, and trade association standards that various state and federal agencies have promulgated or adopted as minimum surveying standards for land title boundary surveys. This article is a great resource for many practitioners.

Part III, *Surveys and Title Insurance*, discusses the relationship between title insurance and surveys with an emphasis on the survey exception and coverage litigation. One article in this section promotes the use of an appropriate code of practice for land surveying, in order to inform fully the lawyer and the client of the scope of the surveyor's work. Finally, another article addresses the future of mortgage loan surveys and stresses the importance of a survey of property before a purchase.

Part IV, *Licensing and Liability*, analyzes the licensure and responsibilities of land surveyors under various state licensing boards. Part IV reviews several national and local standards of care for title research of record documents by land surveyors. The responsibilities of the lawyer and the surveyor are distinguished. In addition, another article in this section contrasts the purpose of the record research for the title searcher with the purpose of a record research for the land surveyor. A final, interesting article examines possible surveyor liability relating to tree encroachments with an emphasis on case law.

Part V, *Other Legal Issues*, provides an overview of surveying issues pertaining to water boundaries in the western states as exemplified in prominent case law. The purpose of Part V is to aid attorneys' understanding of what a survey of a water boundary entails and to help evaluate the surveyor's product. This section discusses the location of high water marks as the boundary line between public and private ownership, with a focus on developing definitions in federal and state case law. In addition, an article in this section provides a guide to problems with gaps and overlaps in legal descriptions of land based on principles from Illinois case law and statutes. Another article examines the surveyor's role to identify wetlands and environmental hazards and to assist attorneys to mitigate environmental concerns. A final article presents the historic and legal significance of the controversy surrounding the location of the center of a section. Additionally, this article provides a practical procedure to recognize and handle such problems.

Part VI, *Surveying Techniques*, provides a single article that introduces the global positioning system ("GPS"). It describes the uses and benefits of GPS to real estate lawyers in surveying and mapping

applications.

Land Surveys offers a vast amount of information concerning the law and land surveys. It is a great resource for general information and a starting point for research. Most of the articles have detailed footnotes, bibliographies or references, and useful appendices. It is a practical guidebook for any land-use lawyer.

Vanessa L. Condra