

PROPERTY /BOUNDARY LINES Do You Know Where Yours are?

by R. Scott Brundage, Consulting Forester/Tree Farmer

Being a professional forester for 57 years and a Consulting Forester for the last 37 years, I have been amazed to find that a majority woodland owners do not know exactly what land they own. Most owners know where some of the corners are and some of the property lines, particularly if there is a fence, but do not know for sure where all the lines are.

If you are going to manage your woodlands properly, you need to know where the property lines are. Why? If you are going to have a timber sale, the forester has to know the location of property lines so no trees are marked and cut on a neighbor's property. In Missouri, State Statutes have a triple damage section concerning trespass. Therefore, as a Consulting Forester, if I mark for sale trees on your neighbor's land and they are sold, I am liable for triple damages. If a landowner does not know or have marked or fenced his property lines, I stay away 100 or more feet from where he thinks the line is, or I just will not take the risk and refuse the sale job. The same holds true for a Timber Stand Improvement (TSI) crew who will kill undesirable trees and vines to release and let grow the valuable desirable crop trees. If the woodland owner puts in access roads, waterlines, skid trails, log yarding area, for example, he should/must know where the property lines are.

When a forest landowner calls and asks me to help him, we set a time and place to meet. When I arrive on the job, I always have an up-to-date Plat Sheet of the area, an aerial photo, an aerial photo with topographic lines and another aerial photo of the property with the soils map superimposed on the landowner's property. All this is available from a computer except the Plat Sheet. I encourage landowners to collect the same "tools" so they can become more familiar with their property.

As mentioned before, the forest landowner must know exactly where his property lines and corners are. Usually, there are two choices to solve the problem. One is cheap and the other very expensive. I always pick the cheap alternative whenever possible.

The following is the fun and cheap way to relocate the old marked property lines. Remember, for many, many years, the land was owned by several to many previous owners. Each of those owners had to know where the property lines and corners are. In many cases, there was a property line fence agreed to by neighbors or surveyed in by a surveyor. If you know where and how to look, you can often find evidence of the old line. I always start by going to the County Courthouse and visiting the Assessor's Office. This office should have a large aerial photo map showing your property. The property lines are located on the map, and this is what your land taxes are based on. These maps are very accurate—land maps are inexpensive; I usually pay \$10.00 to \$20.00 per photo.

With the latest aerial photo map, a copy of your legal description, a good compass, and a roll or two of fluorescent marking tape, you and your wife or kids or grandkids are ready to try to re-establish your property lines. If you can get the neighbor adjacent to the problem area to help, so much the better. First try to find a corner or starting point. Usually there is something visible, i.e., corner fence posts where fences come together at the edge of forest and fields. Often an iron surveyors rod driven into the corner is visible. If an old fence was present, start following your compass so you know approximately where the line is and look for old fence posts, wire on the ground, pieces of wire growing out of trees along the line, etc. If you follow the compass line and check the aerial photo often for confirmation (roads, fields, streams, buildings, power line or pipeline rights of way, for instance) you can often follow exactly along the old fenceline. Kids love to help and go wild each time they find a wire or some other piece of the puzzle.

When you find any evidence of the old line, flag it with a piece of fluorescent flagging tape. Often when you run such a line from corner to corner, you can look back and see a perfectly straight line along the old fence line. The next step is to buy 6 to 6 1/2 foot steel "T" fence posts, a fence post driver (works much better and is safer than a sledge hammer). Use an ATV to carry the posts, fluorescent flagging tape and fluorescent ball caps. Begin at the property corner and drive in a steel fence post next to the surveyor's iron or corner post. I like to use three people and then start down the old, poorly marked line and drive in a new steel fence post every 100 feet. If it is more than 100 feet between the flagging tapes marking the discovered old line (say 300 ft.), one person goes ahead the 300 feet and places a fluorescent ball cap on the old flagged area. Another person takes two fence posts and the driver and goes down the old line 100 feet and repeats the last step. This method guarantees a perfectly straight line where the old fence line existed. This method costs very little and is much cheaper than a survey. Do not use small cheap electric fence posts; they can easily be pulled out, and you need a permanent marked line.

What do you do if you find or know your corners, but there is no old fence or any evidence of a property line? If you must know exactly in order to build a fence or something else, you must hire a surveyor. Only a surveyor can legally establish a property/boundary line. Remember, you can re-establish a line as in the first example, but a surveyor is needed to establish an exact corner or property line. If you must have a property line surveyed, check with your neighbor because he/she will benefit just as much as you will. The neighbor should pay his half of the survey cost. While I am at this point, let me mention something which can save you thousands of dollars, or cost you thousands! Some of my clients have just bought their property and have had it surveyed. Great? I go out with them to determine what quality timber they bought and find the corners all staked and flagged. The lines are seldom marked through the woods, and we are now back to the first of this article. If the property/boundary lines are marked by the surveyor, there is a surveyor stake and flag every 200 to 500 or more feet and a pin or iron next to the stake. In this situation, I tell the landowner to immediately take steel fence posts and place them next to the surveyor stake and/or pin. As soon as the leaves fall and you can see through the woods, finish marking the line with a steel "T" post every 100 feet. Can you guess how many people follow this advice? Very few. If the line is not marked as suggested, in a year or two or three the surveyor flagging tape is gone, the stake has rotted and fallen over or knocked over by a deer or a neighbor kid. Bottom line: You spent thousands on a survey and because you did not follow up their work your money is gone and you are back to square one. Few surveyors tell a landowner the above information.

There is a third option that is very cheap and could serve your immediate needs. You have found your corners, but have no line and you want to have a timber sale. Take a compass and fluorescent flagging tape and start at a known property corner. Carefully shoot as straight a line as possible to the other known corner. As you proceed, liberally flag the line so it will be easy to find on your return. Practically every time I do this the flagged, new line is off or misses the other property line corner post or iron. Let's say the line ends up 20 feet off from the corner. I then turn around and follow the line back to where I started at the first corner post. As I go, I move the flagging tape to near where I think the correct, yet invisible property or boundary line lies. I now have a flagged property line that has to very close to the real line. This type of line serves the purpose of marking a timber sale or doing TSI, etc., but is not the real (exact) property line. Only a surveyor can determine exact lines. Obviously, the best time to do such work is the dormant season when leaves are off the trees and understory vegetation.

In Missouri, our legislature passed the "Purple Paint Law" in the mid-1990s. Purple paint every 100 feet on boundary line trees or fence posts means NO TRESPASSING, just as a green light means go and a red light means stop. Each year this law saves thousands of often the best trees (butt logs) from being ruined by nailing NO TRESPASSING signs to trees. Finish your property/boundary line reestablishment job by painting the top 8 to 12 inches of the fence posts and trees exactly on the line with purple paint. This helps keep trespassers off your land and invited hunters and guests from accidentally getting off of your property