C.R.S. 18-4-515 ENTRY TO SURVEY PROPERTY

ISSUE CHECKLIST

If all provisions are complied with, you are provided an exception to trespassing laws;

Applies to any person who is licensed as a professional land surveyor or someone who is under the direct supervision of such a person as an employee, agent or representative;

You are allowed to enter public or private land to *investigate and utilize boundary evidence* and to *perform boundary surveys* if the below notice is followed:

Notice of Pending Survey must contain:

1. Identity of the party for whom the survey is being performed;
2. Purpose for which the survey will be performed;
3. The employer of the surveyor;
4. The identity of the surveyor;
5. The dates the land will be entered;
6. Time, location and timetable for such entry;
7. The estimated completion date;
8. The estimated number of entries that will be required;
9. A statement requesting the landowner to provide surveyor with the name of each person who occupies the land as a tenant or lessee, whether on a permanent or a temporary basis.

AT LEAST 14 DAYS BEFORE the desired date of entry, you shall cause such notice to be given to the landowner by CERTIFIED MAIL, RETURN RECEIPT REQUESTED **AND** BY REGULAR MAIL.

IF the landowner does not acknowledge receipt within 14 days of such receipt, you shall have the right to enter the land *pursuant to the specifications given in the notice.*

IF the landowner does acknowledge receipt of the notice within 14 days or receipt, such landowner has the right to modify the time and other provision of the surveyor's access, as long as such modifications *do not unreasonably restrict completion of the survey.*

All person entering the property shall carry sufficient identification to identify themselves and their employer.

You will be liable for actual damages caused during entry and stay upon a landowner's land.

You do not have a right to a civil action against landowner for personal injury or property damage while on their land unless the damages and injury were willfully or deliberately caused by the landowner.

This flyer is provided for educational reasons only. This does not constitute legal advice or representation with the attorney. If you have questions, please call Priebe Law Firm, 719.388.8899

COLORADO REVISED STATUTES

*** This document reflects changes current through all laws passed at the Second Regular and First Extraordinary Sessions of the Sixty-Eighth General Assembly of the State of Colorado 2012 and Constitutional and Statutory amendments approved at the General Election on November 6, 2012 ***

TITLE 18. CRIMINAL CODE
ARTICLE 4. OFFENSES AGAINST PROPERTY
PART 5. TRESPASS, TAMPERING, AND CRIMINAL MISCHIEF

C.R.S. 18-4-515 (2012)

18-4-515. Entry to survey property - exception to criminal trespass

(1) **Effective July 1, 1992, no person shall be in violation of the trespass laws of this part 5 if the requirements of this section are met. The provisions of this section provide an exception to the trespass laws only** and do not affect or supersede the provisions and requirements of articles 1 to 7 of title 38, C.R.S., concerning condemnation proceedings, notwithstanding any laws to the contrary.

(2) Any person who is **licensed as a professional land surveyor** pursuant to section 12-25-214, C.R.S., or **who is under the direct supervision of such a person as an employee, agent, or representative**, may enter public or private land to investigate and utilize boundary evidence and to perform boundary surveys **if the notice requirement in this subsection (2) is met**.

The notice of the pending survey **shall contain the identity of the party for whom the survey is being performed and the purpose for which the survey will be performed, the employer of the surveyor, the identity of the surveyor, the dates the land will be entered, the time, location, and timetable for such entry, the estimated completion date, the estimated number of entries that will be required, and a statement requesting the landowner to provide the surveyor with the name of each person who occupies the land as a tenant or lessee, whether on a permanent or a temporary basis.**

Nothing in this subsection (2) shall be deemed to confer liability upon a landowner who fails or refuses to provide such requested statement.

At least fourteen days before the desired date of entry the professional land surveyor shall cause such notice to be given to the landowner by certified mail, return receipt requested, and by regular mail.

Any landowner may waive the requirement that notice be given by certified mail, return receipt requested, and by regular mail. The waivers described in this subsection (2) may be given orally or in writing.

(3) **If a landowner does not acknowledge receipt of the notice within fourteen days of such receipt, the professional land surveyor or other persons described in subsection (2) of this section shall have the right to enter the land pursuant to the specifications given in the notice.**

If a landowner acknowledges receipt of the notice within fourteen days of receipt, such landowner has the right to modify the time and other provisions of the surveyor's access, as long as such modifications do not unreasonably restrict completion of the survey.

(4) All persons described in subsection (2) of this section who enter land pursuant to and for a purpose described in this section shall carry upon their person at all times during entry and stay upon the land sufficient identification to identify themselves and their employer or principal, and shall present such identification upon request.

(5) **Persons described in subsection (2) of this section shall be liable for actual damages caused during entry and stay upon a landowner's land.**

No professional land surveyor or person under such surveyor's direct supervision shall have a civil cause of action against a landowner or lessee for personal injury or property damage incurred while on the land for purposes consistent with those described in subsection (2) of this section, except when such damages and injury were willfully or deliberately caused by the landowner.

HISTORY: Source:. L. 92: Entire section added, p. 429, § 1, effective April 29.L. 2004: (2) amended, p. 1310, § 53, effective May 28.

ANNOTATION

This section provides that a licensed surveyor may lawfully enter land to investigate boundary evidence, to utilize such evidence, and to perform boundary surveys. It does not state or imply that a surveyor must conduct the survey for the benefit of an existing legal interest in neighboring land or that the lawfulness of the entry is conditioned on the manner in which the surveyor will utilize the evidence obtained by the survey or on the purposes motivating the survey. It does not state or imply that the boundary evidence may only be utilized to describe the boundaries themselves and may not be utilized to create a derivative legal description related to the land. San Miguel County Bd. of County Comm'rs v. Roberts, 159 P.3d 800 (Colo. App. 2006).