

SUMMARY OF COUNTY OF CHENANGO V. COUNTY OF BROOME

80 A.D.2d 319, 585 N.Y.S.2d 577 (1992)

by

Knud E. Hermansen

Knud is a licensed professional land surveyor, professional engineer, and attorney at law. He teaches at the University of Maine in the surveying engineering technology program and has a consulting practice specializing in boundary disputes, title, land development, liability, and easements. <http://www.umaine.edu/set/svt/articles/>

Note: The principles discussed may not apply to all states. The reader is encouraged to research the law in their own state.

This case involved a dispute between two counties over the location of their common boundary. Various descriptions used over the years have placed doubt on the boundary location. The boundary was first described as "beginning at the south east corner of the county of Onondaga thence a direct course to the confluence of the Tioughnioga & Chenango rivers" Thereafter it was described as "a line drawn from the south east corner of the said tract on a direct course to the confluence of the Tioughnioga and Chenango rivers and to the east bank of [said] river" Finally, it was described as "a line drawn from the southeast corner thereof to the confluence of the Tioughnioga and Chenango rivers, and to the east bank of the last mentioned river"

In reaching a decision on the location of the boundaries, several points were made that should be interesting to surveyors. First, a boundary line in an instrument described as running between two monuments is presumed to be a straight line (p. 322, 529). Secondly, when a monument is cited, the position of the monument at the time of the original operative conveyance is meant. The position of monuments may move but the original position stays fixed. (In this case the confluence of two rivers.) Perhaps more important, the court noted that boundaries created by legislation are not necessarily governed by rules pertinent to the retracement of private boundaries. In this case the court noted that equitable remedies such as the doctrine of acquiescence, estoppel, and laches have no application with respect to boundaries fixed by the legislator (p. 323, 579). For the surveyor, this means that private property boundaries thought to coincide with political boundaries may in fact vary because of equitable remedies. Private boundaries should not be used to vary the location of political boundaries.