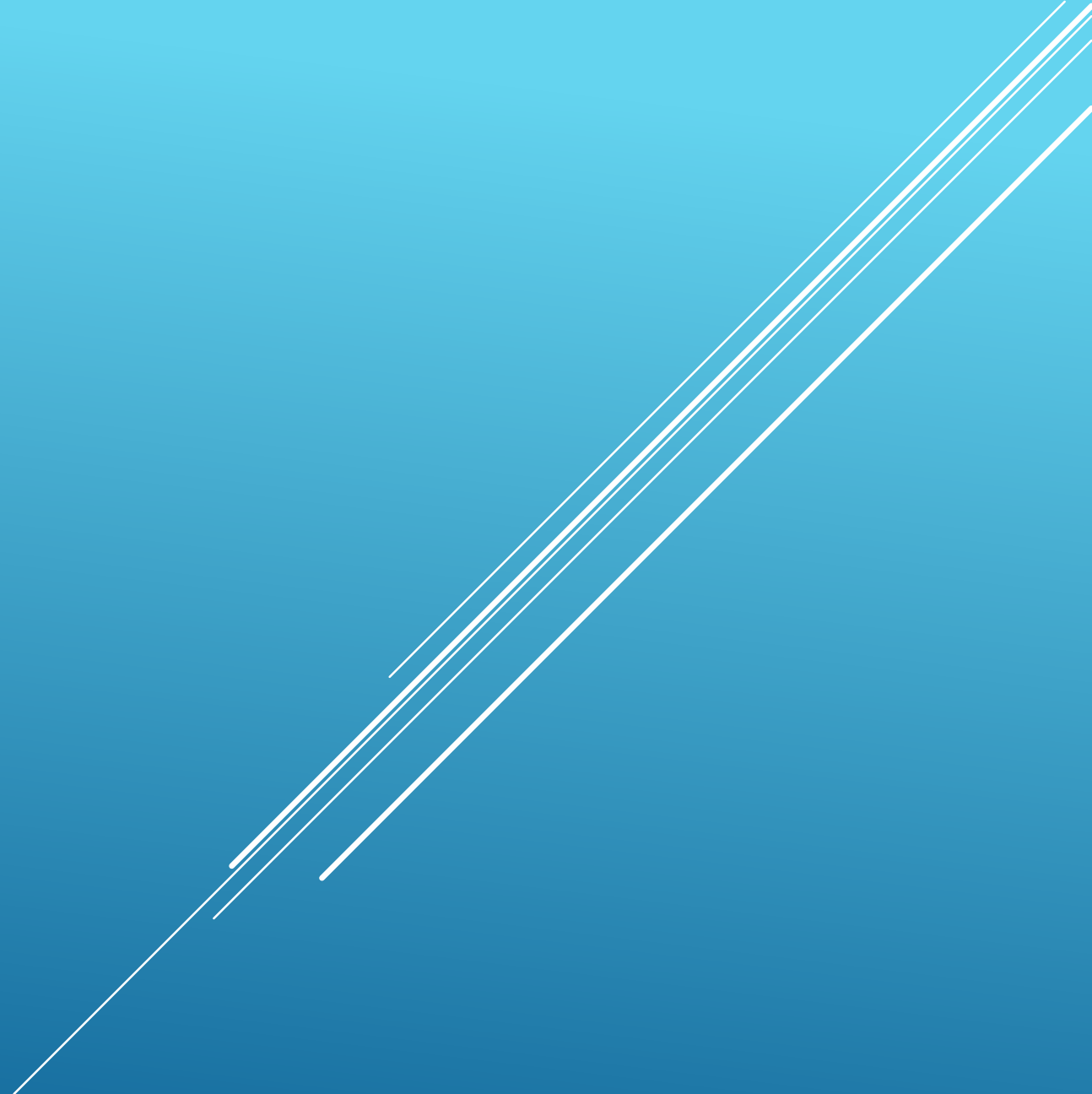


A.L.T.A. SURVEYS

2015 LS Review



The "Standard Survey Exception"

"Rights or claims of parties in possession, boundary line disputes, overlaps, encroachments, and any matters not shown by the public records which would be disclosed by an accurate survey and inspection of the land described in Schedule A."

SECTION 1 -PURPOSE

What comprises a complete ALTA/ACSM Land Title Survey?

- Field work
- Plat or Map
- Relationship to Record Docs
- Any selected Table A items
- Certification

SECTION 1 -PURPOSE

- ▶ Written authorization
- ▶ Title Company not responsible for payment
- ▶ Request shall include desired Table A items
- ▶ Discuss scope of work with client on atypical properties
- ▶ Client to secure access where necessary

SECTION 2 – REQUEST FOR SURVEY

- ▶ 3.A. - Effective Date 2/23/2011. Previous versions superseded
- ▶ 3.B. - Other standards and Requirements
- ▶ 3.C. - Recognizing the Normal Standard of Care
- ▶ 3.D. – Boundary Resolution

“The boundary lines and corners of any property being surveyed as part of an ALTA/ACSM Land Title Survey shall be established and/or retraced in accordance with appropriate boundary law principles governed by the set of facts and evidence found in the course of performing the research and survey.”

SECTION 3 – SURVEYING STANDARDS AND STANDARDS OF CARE

► 3.E.i. - Relative Positional Precision

the length of the semi-major axis, expressed in feet or meters, of the error ellipse representing the uncertainty due to random errors in measurements in the location of the monument, or witness, marking any corner of the surveyed property relative to the monument, or witness, marking any other corner of the surveyed property at the 95 percent confidence level.

SECTION 3 – SURVEYING STANDARDS AND STANDARDS OF CARE

► 3.E.ii.- Uncertainties in boundary corners and lines occur as a result of...

- (1) the availability, condition, history and integrity of reference or controlling monuments
- (2) ambiguities in the record descriptions or plats of the surveyed property or its adjoiners
- (3) occupation or possession lines as they may differ from the written title lines
- (4) Uncertainties in measurement (Relative Positional Precision)

SECTION 3 – SURVEYING STANDARDS AND STANDARDS OF CARE

► 3.E.iii.- The Effect of Uncertainties

Uncertainties due to reference monuments, record documents and occupation/possession relate to evidence and how we interpret the evidence and where we place the lines and corners.

Measurement Uncertainty (Relative Positional Precision) has to do with how precisely surveyors can mark and describe those locations.

Precise measurements do not necessarily equate to an 'accurate' survey.

SECTION 3 – SURVEYING STANDARDS AND STANDARDS OF CARE

► 3.E.iv.- Measurement Procedures.

The surveyor shall:

- (1) use appropriately trained personnel
- (2) compensate for systematic errors, including those associated with instrument calibration
- (3) use appropriate error propagation and measurement design theory (selecting the proper instruments, geometric layouts, and field and computational procedures)
- (4) control random errors such that the maximum allowable Relative Positional Precision outlined in Section 3.E.v. below is not exceeded

SECTION 3 – SURVEYING STANDARDS AND STANDARDS OF CARE

► 3.E.v.- Relative Positional Precision

Defines the maximum allowable Relative Positional Precision for an ALTA/ACSM Land Title Survey

2 cm (0.07 feet) at any point, plus a factor related to the length of the line measured

SECTION 3 – SURVEYING STANDARDS AND STANDARDS OF CARE

- ▶ Order to include record description
- ▶ Complete copies of record documents to be provided:
 - ▶ Most recent title commitment
 - ▶ Adjoiner descriptions
 - ▶ Easements
 - ▶ Cross-referenced documents
 - ▶ Documents to ascertain Jr/Sr relationships where necessary (See 6.B.vii.)

SECTION 4 –RECORDS RESEARCH

- ▶ On the Ground (except per Table A item 15)
- ▶ Section 5.A. – Monuments
 - ▶ 5.A.i.- Location and descriptions of controlling monuments
 - ▶ 5.A.ii.- Location, size, and type of monuments found or set
- ▶ Section 5.B. –Rights of Way & Access
 - ▶ 5.B.i.- Distance to nearest right of way line if no abutting right of way
 - ▶ 5.B.ii.- Name, width and location of traveled way for abutting streets
 - ▶ 5.B.iii.- Visible evidence of physical access to abutting streets
 - ▶ 5.B.iv.- Location & character of all forms of access by other than the apparent occupants
 - ▶ 5.B.v.- Encroaching ways of access onto the surveyed property
 - ▶ 5.B.vi.- Parcel corners that might indicate the width or location of right of way lines
 - ▶ 5.B.vii.-Access to/from waters

SECTION 5 – FIELD WORK

- ▶ Section 5.C. – Lines of Possession & Improvements along Boundaries
 - ▶ 5.C.i.- Possession or occupation
 - ▶ 5.C.ii.- Improvements within 5 feet of boundary lines
 - ▶ 5.C.iii.- Encroaching structural appurtenances and projections
- ▶ Section 5.D. –Buildings
 - ▶ Location of all buildings expressed to the appropriate degree of precision

SECTION 5 – FIELD WORK

- ▶ Section 5.E. – Easements and Servitudes
 - ▶ 5.E.i.- Evidence of easements disclosed in Record Documents
 - ▶ 5.E.ii.- Evidence of easements not disclosed in Record Documents, but observed on the ground
 - ▶ 5.E.iii.- Surface indications of underground easements
 - ▶ 5.E.iv.- Evidence of use by other than apparent occupants

- ▶ Section 5.F. – Cemeteries
 - ▶ Location of cemeteries, gravesites, and burial grounds
 - ▶ (i) disclosed in the Record Documents provided to the surveyor, or
 - ▶ (ii) observed in the process of conducting the survey.

SECTION 5 – FIELD WORK

- ▶ Section 5.G. – Water Features

- ▶ 5.G.i.- Location of springs; location of water features bordering on or running through the property
 - ▶ 5.G.ii.- Location of any water boundary
 - ▶ Attribute located should be congruent with the description of the water boundary

SECTION 5 – FIELD WORK

- ▶ 6.A.- Evidence and locations gathered in field work outlined in Section 5
- ▶ 6.B. – Boundaries, Descriptions, Dimensions & Closure
 - ▶ 6.B.i.- Record description and any new description prepared
 - ▶ Avoid new descriptions unless necessary
 - ▶ Avoid new descriptions of lots/blocks in platted subdivisions
 - ▶ 6.B.ii.- Location & description of elements that control boundaries or that were relied upon
 - ▶ 6.B.iii.- All distances and directions in record description and in any new description
 - ▶ Where a measured/calculated dimension differs from record show both

SECTION 6 – PLAT OR MAP

- ▶ 6.B.iv.- Dimensional data necessary to compute a mathematical closure of the surveyed boundary.
 - ▶ A note if record description does not mathematically close
 - ▶ Basis of bearings and difference from record
- ▶ 6.B.v.- Show remainder of surveyed tract where it is part of a larger existing parcel
- ▶ 6.B.vi.- A note regarding the nature of water boundaries.
 - ▶ A note on any changes in water boundaries
- ▶ 6.B.vii.-Relationship of boundaries to adjoiners
 - ▶ Gaps and overlaps between parcels where surveyed property is composed of multiple parcels
 - ▶ Disclosure of gaps/overlaps to title company and client prior to completion of plat or map

SECTION 6 – PLAT OR MAP

- ▶ 6.B.viii.- Notes on face of plat or map
 - ▶ When results differ significantly from the record
 - ▶ When a fundamental decision cannot be clearly reflected graphically
- ▶ 6.B.ix.- Note on face of plat or map
 - ▶ Explaining site conditions that resulted in R.P.P. exceeding 2 cm and 50 ppm
- ▶ 6.B.x.- Note on face of plat or map
 - ▶ Identifying title commitment number, date and company

SECTION 6 – PLAT OR MAP

- ▶ Section 6.C. – Easements, Servitudes, Rights of Way, Access and Record Documents
 - ▶ 6.C.i.- Information on plottable rights of way, easements and servitudes
 - ▶ Width
 - ▶ Recording information
 - ▶ 6.C.ii.- Notes regarding rights of way, easements and servitudes
 - ▶ Location cannot be determined
 - ▶ No observed evidence
 - ▶ Blanket easement
 - ▶ Not on or touching the subject property
 - ▶ Limits access
 - ▶ Which parcels are affected, when multiple parcels

SECTION 6 – PLAT OR MAP

- ▶ Section 6.C. – Easements, Servitudes, Rights of Way, Access and Record Documents
 - ▶ 6.C.iii.- Note on face of plat or map
 - ▶ When no physical access to a public way observed
 - ▶ 6.C.iv.- Width of abutting rights of way and source of information
 - ▶ Where available from jurisdiction
 - ▶ Where disclosed in record documents provided
 - ▶ 6.C.v.- Identifying information of documents which the survey represents. e.g.-
 - ▶ • Recorded plats
 - ▶ • Field maps
 - ▶ • Right of way maps
 - ▶ • Etc.

SECTION 6 – PLAT OR MAP

- ▶ Section 6.C. – Easements, Servitudes, Rights of Way, Access and Record Documents
 - ▶ 6.C.vi.- Names and recording information for non-platted adjoiners
 - ▶ Recording data of subdivision where adjoiner is platted
 - ▶ 6.C.vii.- Platted setback or building restriction lines
 - ▶ Which appear on recorded subdivision plats
 - ▶ Which were disclosed in Record Documents provided

SECTION 6 – PLAT OR MAP

- ▶ Section 6.D. – Presentation

- ▶ 6.D.i.- Drafting standards

- ▶ Not less than 8½" by 11"
 - ▶ Legible, standard scale
 - ▶ Scale in words and graphically
 - ▶ Produced in recordable form when required
 - ▶ Boundary distinguishable
 - ▶ North arrow
 - ▶ Legend
 - ▶ Vicinity Map

- ▶ 6.D.ii.- Detail/supplemental diagrams when necessary

- ▶ 6.D.iii.- Note when no buildings

SECTION 6 – PLAT OR MAP

▶ Section 6.D. – Presentation

▶ 6.D.iv.- Surveyor's Information

- ▶ • Project number
- ▶ • Name
- ▶ • Registration/License Number
- ▶ • Signature and seal
- ▶ • Address, telephone number
- ▶ • Email address
- ▶ • Dates of revisions.

▶ 6.D.v.- Sheet numbers, if multiple sheets

▶ 6.D.vi.- Captioned "ALTA/ACSM Land Title Survey"

SECTION 6 – PLAT OR MAP

- ▶ Only the unaltered certificate contained in Section 7
 - ▶ Except as may be required by, for example, state rules (See Section 3.D.)
 - ▶ Date of Field work
 - ▶ Date of Plat or Map

SECTION 7. – CERTIFICATION

- ▶ Copies to the title company and client
- ▶ Other copies as negotiated
- ▶ Durable, dimensionally stable
- ▶ Digital copies allowed
- ▶ Produced in recordable form and recorded when required or requested

SECTION 8. – DELIVERABLES

- ▶ Requested with order
- ▶ Negotiated
- ▶ Surveyor may need to qualify
- ▶ Items 5 and 11b do not equate to an engineering design survey

TABLE A – OPTIONAL ITEMS

- ▶ Table A – Item 1 (Monuments)
 - ▶ Monumentation
 - ▶ Required in most states (see introductory paragraph to the standards)
- ▶ Table A – Item 2 (Addresses)
 - ▶ Address(es) If disclosed in Record Documents
 - ▶ If observed
- ▶ Table A – Item 3 (Flood zone)
 - ▶ Flood zone by graphic plotting
- ▶ Table A – Item 4 (Land area)
 - ▶ Gross land area
 - ▶ Other areas if specified by client

TABLE A – OPTIONAL ITEMS

- ▶ Table A – Item 5 (Elevations)

- ▶ Vertical relief

- ▶ Source
 - ▶ Contour interval
 - ▶ Datum
 - ▶ Originating benchmark

- ▶ Table A – Item 6 (Zoning)

- ▶ 6(a)- Zoning classification as provided by title company
 - ▶ 6(b)- Zoning classification and setback, height, floor space area restrictions as provided by title company

TABLE A – OPTIONAL ITEMS

- ▶ Table A – Item 7 (Bldg dimensions)
 - ▶ 7(a) - Building dimensions
 - ▶ 7(b) – Square footage of buildings
 - ▶ 7b(1) –exterior footprint
 - ▶ 7b(2) – other areas as specified
 - ▶ 7(c) – Measured height at a defined location
- ▶ Table A – Item 8 (Other features)
 - ▶ Substantial features in addition to those required in Section 5
 - ▶ Parking lots
 - ▶ Billboards
 - ▶ Signs
 - ▶ Swimming pools
 - ▶ Landscaped areas

TABLE A – OPTIONAL ITEMS

- ▶ Table A – Item 9 (Parking spaces)
 - ▶ Striping
 - ▶ Number of parking spaces
 - ▶ Types of parking spaces
- ▶ Table A – Item 10 (Party walls)
 - ▶ 10(a)- Information on party walls as designated by client
 - ▶ 10(b)- Plumbness of certain walls as designated by client
 - ▶ Client to provide for access

TABLE A – OPTIONAL ITEMS

- ▶ Table A – Item 11 (Utilities)
 - ▶ Location of utilities
 - ▶ 11(a) – Based on observed evidence
 - ▶ 11(b) – Based on observed evidence together with plans and markings obtained from utility companies or provided by client
 - ▶ A note to clients qualifying what surveyors can depict
- ▶ Table A – Item 12 (other requirements)
 - ▶ Governmental agency requirements as specified by the client.
e.g...HUD
 - ▶ BLM leases

TABLE A – OPTIONAL ITEMS

- ▶ Table A – Item 13 (Platted adjoiners)
 - ▶ Names of adjoining owners of platted lands
- ▶ Table A – Item 14 (Nearest Intersecting street)
 - ▶ Distance to nearest intersecting street as specified by client
- ▶ Table A – Item 15 (use of other technologies)
 - ▶ Use of alternative technologies and tools
 - ▶ Parameters of use
 - ▶ (a) Prior discussion with client, title company and lender
 - ▶ (b) Note on face of survey explaining source, date, precision, etc.

TABLE A – OPTIONAL ITEMS

- ▶ Table A – Item 16 (HUD)
 - ▶ Current earth moving, building construction or building additions
- ▶ Table A – Item 17 (HUD)
 - ▶ Proposed changes in street right of way lines, if info available from jurisdiction
 - ▶ Observed evidence of recent street or sidewalk construction or repairs
- ▶ Table A – Item 18 (HUD)
 - ▶ Observed evidence of site use as a solid waste dump, sump or sanitary landfill

TABLE A – OPTIONAL ITEMS

- ▶ Table A – Item 19 (Wetlands)
 - ▶ Location of wetland areas as delineated by appropriate authorities
- ▶ Table A – Item 20 (Offsite Easements)
 - ▶ 20(a)- Locate improvements within appurtenant easements
 - ▶ 20(b)- Monument appurtenant easements
 - ▶ Client to provide access
- ▶ Table A – Item 21 (Insurance)
 - ▶ Client may require professional liability (E & O) insurance in a specified amount
 - ▶ Certificate of Insurance may be requested

TABLE A – OPTIONAL ITEMS