

ALTA/NSPS Land Title Survey Standard Training Series

Session 2: Sections 6 & 7 – Preparation and Certification

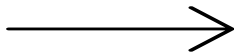
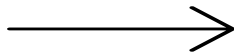
A Presentation by the American Land Title Association and the National Society of Professional Surveyors

Hosted by the U.S. Department of Housing and Urban Development



Webinar Logistics

- Participants on mute
- Ask questions via the WebEx Q&A box
- If technical issues related to WebEx, insert them in the Chat Box

A screenshot of the WebEx interface showing the Q&A and Chat sections. The top section is titled 'Q&A' and has a tab labeled 'All (0)'. Below this is a large empty text area for asking questions. The bottom section is the 'Chat Box', which contains a text input field with placeholder text: 'Select a question, and then type your answer here. There is a 256-character limit.' Below the input field is a button labeled 'Send'.

Speakers

Todd D'Amico, PS

- VP of Commercial Surveys and Mapping | First American Commercial Due Diligence Services Co
- Chair ALTA/NSPS Land Survey Work Group

Gary Kent, PS

- Owner | Meridian Land Consulting, LLC.
- Immediate Past Chair ALTA/NSPS Land Survey Work Group



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Today's Agenda

1. Measurement Standards for Land Title Surveys - What is their effect?
2. Preparing the plat/map of the ALTA/NSPS Land Title Survey
3. Section 6A - Showing the results of the fieldwork in Section 5
4. Section 6B - Addressing Boundary, Descriptions, Dimensions, and Closures (12 subitems)
5. Section 6C - Addressing Easements, Servitudes, Rights of Way, Access, and Documents (8 subitems)
6. Section 6D - The presentation of the ALTA/NSPS Land Title Survey
7. Section 7 - The Certification and the HUD "Surveyor's Report"
8. The Standard Survey Exception(s)
9. Title Insurance endorsements
10. Title Insurance commitments and policies
11. Comments on Sections 3, 4 and 5 of the 2021 Standards

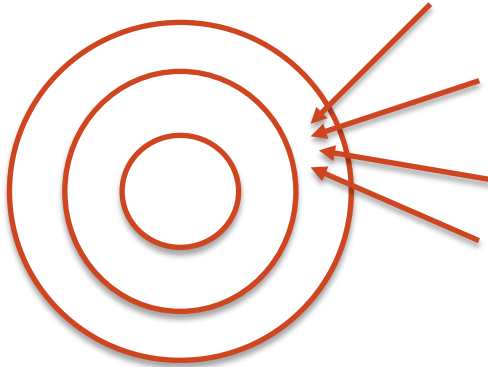


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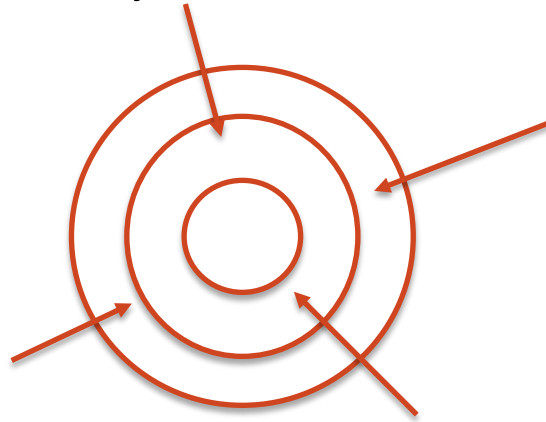
Measurement Standards

Section 3: "Surveying Standards & Standards of Care"

- Section 3.E. - Measurement standards
- Precision vs. Accuracy



Precise but not accurate



Neither precise nor accurate



Precise and accurate

In other words, a boundary can be precisely measured ... but in the wrong place

Boundaries are not about measurement, they
are about evidence and boundary law

Measurement Standards

Section 3: "Surveying Standards & Standards of Care"

- Section 3.E.v. - Measurement standards

Maximum allowable Relative Positional Precision

- An acknowledgment that there is no such thing as a perfect measurement
- The allowance is 2 cm plus 50 parts per million based on the direct distance between adjacent corners
- 2 cm = 7/8 inch
- 50 ppm = 1/8 inch for each 200 feet in length of the measurement
- 95% of the time the results of the measurements are to not be greater than this

Measurement Standards:

Section 3: "Surveying Standards & Standards of Care"

- Section 3.E.v. - Measurement standards

Maximum allowable Relative Positional Precision

- 2 cm is a function of the capabilities of the equipment and procedures (i.e., the ability to measure)
- 50 ppm is a function of the fact that the longer the measurement, the more random error is introduced
- Note that random errors are not “mistakes” or “blunders” in measurement

Section 6: Preparing the Plat/Map

- Section 6A - Results of the fieldwork
- Section 6B - Boundary, Descriptions, Dimensions, and Closures
- Section 6C - Easements, Servitudes, Rights of Way, Access, and Documents
- Section 6D - Presentation

Section 6A: Showing the Result of the Fieldwork

- The results of the fieldwork are to be shown on the plat/map

Section 6B: Addressing Boundary, Descriptions, Dimensions, and Closures

- 6.B.i. - Record description to be shown
 - Typically the Schedule A description will also be shown
- 6.B.ii. - Any new description prepared to be shown
 - With an explanation of:
 - ☐ Why it was prepared
 - ☐ How it relates to the record

Section 6B: Addressing Boundary, Descriptions, Dimensions, and Closures

- 6.B.iii. - Show measured/calculated vs. record when deemed significant
 - Show all distances and directions in both record description and in a new description

Section 6B - Boundary, Descriptions, Dimensions, and Closures

- 6.B.iv. - The direction, distance, and curve data necessary to compute a mathematical closure of the surveyed boundary. A note if the record description does not mathematically close. The basis of bearings and, where it differs from the record basis, the difference.

Section 6B - Boundary, Descriptions, Dimensions, and Closures

- 6.B.v. - The remainder of any recorded lot or existing parcel, when the surveyed property is composed of only a portion of such lot or parcel, shall be graphically depicted.

Section 6B: Addressing Boundary, Descriptions, Dimensions, and Closures

- 6.B.vi. - Water boundaries
 - Caveat re: water boundaries are subject to change, what is shown may not be the actual boundary, etc.
- 6.B.vii. - Gaps and overlaps to be reported

Section 6B: Addressing Boundary, Descriptions, Dimensions, and Closures

- 6.B.viii. – "When, in the opinion of the surveyor, the results of the survey differ significantly from the record, or if a fundamental decision related to the boundary resolution is not clearly reflected on the plat or map, the surveyor must explain this information with notes on the face of the plat or map."

Section 6B: Addressing Boundary, Descriptions, Dimensions, and Closures

- 6.B.ix. - perimeter of building to be shown with distance to appropriate boundary side lines

Section 6B - Boundary, Descriptions, Dimensions, and Closures

- 6.B.x. - A note on the face of the plat or map explaining the site conditions that resulted in a Relative Positional Precision that exceeds the maximum allowed pursuant to Section 3.E.v.

Section 6B - Boundary, Descriptions, Dimensions, and Closures

- 6.B.xi. - A note on the face of the plat or map identifying areas, if any, on the boundaries of the surveyed property, to which physical access within five feet was restricted (see Section 5.C.ii.)

Section 6B - Boundary, Descriptions, Dimensions, and Closures

- 6.B.xii. - A note on the face of the plat or map identifying the source of the title commitment or other title evidence provided pursuant to Section 4, and the effective date and the name of the insurer of same.

Section 6C: Easements, Servitudes, Rights of Way, Access, and Documents

- 6.C. ii. — Summary of all rights of way, easements & servitudes
 - If they are survey-related
 - If they burden or benefit the surveyed property
 - If evidence was provided to or obtained by the surveyor
 - If they lie within or cross the surveyed property and a related note if....

Section 6C: Easements, Servitudes, Rights of Way, Access, and Documents

- (a) Location is shown
- (b) Location cannot be determined from record
- (c) No observed evidence
- (d) blanket easement
- (e) Not on or touching surveyed property - or “affects” the property based on plotted location
- (f) Limits access
- (g) Documents are illegible
- (h) Surveyor has info that it has been released or terminated

Section 6C: Easements, Servitudes, Rights of Way, Access, and Documents

- 6.C. iii. — “A note if no physical access to abutting street, highway, or other public or private way was observed...”
- 6.C.iv. — "The locations and widths of rights of way abutting or crossing the surveyed property and the source of such information...
 - (a) where available from the controlling jurisdiction or
 - (b) where disclosed in documents provided to or obtained by the surveyor pursuant to Section 4."

Section 6C: Easements, Servitudes, Rights of Way, Access, and Documents

- 6.C. vi. — "For non-platted adjoining land, recording data and, where available, tax parcel number, identifying adjoining tracts according to current public records."
- 6.C.vii. — "Platted setback or building restriction lines that appear on recorded subdivision plats or that were disclosed in documents provided to, or obtained by, the surveyor."

Section 6C: Easements, Servitudes, Rights of Way, Access, and Documents

- 6.C. viii. — "If, in the process of preparing the survey, the surveyor becomes aware of a recorded easement not otherwise listed in the title evidence provided, the surveyor must advise the insurer prior to delivery of the plat or map and, unless the insurer provides evidence of a release of that easement, show or otherwise explain it on the face of the plat or map, with a note that the insurer has been advised."

Section 6D: Presentation

- 6.D. ii.(a) — "The boundary of the surveyed property drawn in a manner that distinguishes it from other lines on the plat or map."
- 6.D.ii.(b) — "... no buildings observed"
- 6.D.ii.(d) — "A legend of symbols and abbreviations"
- 6.D.ii.(e) — "A vicinity map showing the surveyed property in reference to nearby highway(s) or major street intersection(s)."

Section 6D: Presentation

- 6.D. ii.(f) — "Supplementary or detail diagrams when necessary."
- 6.D.ii.(g) — "Notes explaining any modifications to Table A items and the nature of any additional Table A items (e.g., 20(a), 20(b), 20(c)) that were negotiated between the surveyor and client."

Section 6D: Presentation

- 6.D.ii.(h) — "The surveyor's project number (if any), and the name, registration or license number, signature, seal, street address, telephone number, company website, and email address (if any) of the surveyor who performed the survey."
- 6.D.ii.(i) — "The date(s) of any revisions made by the surveyor who performed the survey."

Section 6D: Presentation

- 6.D.iii. — "When recordation or filing of a plat or map is required by state statutes or local ordinances, such plat or map shall be produced in the required form."

Section 7: Certification

- “The plat or map of an ALTA/NSPS Land Title Survey must bear only the following unaltered certification except as may be required pursuant to Section 3.B...”
 - Surveyors cannot certify to anything that they do not, in fact, have personal knowledge of
 - Surveyors cannot practice law
 - Express guarantees and warranties are exceptions to coverage under their professional liability (E&O) policies
 - Not all surveyors carry professional liability insurance

Section 7: Certification

- Is the HUD “Surveyor’s Report” necessary?

Resources

- 2021 Minimum Standard Detail Requirements
 - Available at: <https://alta.org/policy-forms>
 - In the “Related Documents” section, with date 02-23-2021
- 2021 ALTA/NSPS
 - Standards available at:
<https://www.nsps.us.com/page/2021ALTA#>
 - FAQs available at:
<https://www.nsps.us.com/page/2021FAQs>
 - Archives available at:
<https://www.nsps.us.com/page/Archives>

QUESTIONS

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