

REVISED ALTA SURVEY STANDARDS TAKE EFFECT ON FEB. 23

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February 19, 2011

The new ALTA Survey Standards have been approved by the National Society of Professional Surveyors (NSPS) and the American Land Title Association (ALTA). The new Standards, which are known as **The 2011 Minimum Standard Detail Requirements for ALTA/ACSM Land Title Surveys**, replace the current 2005 Standards and will take effect on Feb. 23, 2011.



The purpose of the Minimum Standards, first promulgated in 1962, is to set nationally recognized uniform standards for land surveys and to assist title insurance companies, surveyors and lenders. An ALTA survey is generally required by the title insurance company in order to remove the standard survey exception from the final policy. Removal of this exception is an important element of title insurance coverage.

The 2011 Standards are the result of a two-year collaborative effort between the title insurance industry and surveying professionals and represent a major revision to the current standards.

Summary of Changes

Although some of the revisions are technical in nature, many new provisions will have a practical effect for consumers of land surveys. Here is a summary of the more significant changes from the perspective of an attorney who represents title insurance companies, buyers and lenders.

The new Standards will:

- require additional information and detail concerning easements and right-of-way lines
- discourage the drafting of new legal descriptions
- require that a reference to the title commitment be included on the face of the plat
- require that a vicinity map be shown (this was formerly a Table A optional item)
- require the use of a standard certification.

The new certification language (*See Appendix 1 below*) is mandatory and may only be altered when required by local law. This means that lenders and title insurance companies will no longer be allowed to require non-standard certifications.

The New Table A

In addition to the new requirements, many important changes involve the Table A Schedule of Optional Responsibilities and Specifications (*See Appendix 2 below*). Attorneys and lenders should become familiar with the new Table A . As in the past, many of these optional items will result in significant upcharges, so it's important to tailor your Table A requests as appropriate.

The changes to Table A include:

- Item 17 requires the surveyor to show proposed changes in right-of-way lines as well as observed evidence of recent street construction or repairs.
- Item 19 requires the surveyor to show the location of wetlands.
- Item 20 requires the depiction of off-site easements which benefit the surveyed property.
- Item 21, if checked, requires the surveyor to have professional liability insurance.

Conclusion

I believe that the new Standards are a significant improvement to the prior version and will be helpful to attorneys by standardizing many best practices. In particular, the requirement to show more detail of easements and rights of way will assist with title analysis. Attorneys and clients who order surveys need to be aware of the new Standards and in particular the revised Table A options.

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APPENDIX 1

NEW STANDARD ALTA SURVEY CERTIFICATION

*To (name of insured, if known), (name of lender, if known), (name of insurer, if known),
(names of others as negotiated with the client):*

*This is to certify that this map or plat and the survey on which it is based were made in
accordance with the 2011 Minimum Standard Detail Requirements for ALTA/ACSM Land
Title Surveys, jointly established and adopted by ALTA and NSPS, and includes Items
of Table A thereof. The field work was completed on _____.*

Date of Plat or Map: _____ (Surveyor's signature, printed name and seal with
Registration/License Number)

APPENDIX 2

NEW TABLE A

TABLE A

OPTIONAL SURVEY RESPONSIBILITIES AND SPECIFICATIONS

NOTE: The items of Table A must be negotiated between the surveyor and client. It may be necessary for the surveyor to qualify or expand upon the description of these items (e.g., in reference to Item 6(b), there may be a need for an interpretation of a restriction). The surveyor cannot make a certification on the basis of an interpretation or opinion of another party. Notwithstanding Table A Items 5 and 11(b), if an engineering design survey is desired as part of an ALTA/ACSM Land Title Survey, such services should be negotiated under Table A, item 22.

If checked, the following optional items are to be included in the ALTA/ACSM LAND TITLE SURVEY, except as otherwise qualified (see note above):

1. _____ *Monuments placed (or a reference monument or witness to the corner) at all major corners of the boundary of the property, unless already marked or referenced by existing monuments or witnesses.*
2. _____ *Address(es) if disclosed in Record Documents, or observed while conducting the survey.*
3. _____ *Flood zone classification (with proper annotation based on federal Flood Insurance Rate Maps or the state or local equivalent) depicted by scaled map location and graphic plotting only.*
4. _____ *Gross land area (and other areas if specified by the client).*
5. _____ *Vertical relief with the source of information (e.g. ground survey or aerial map), contour interval, datum, and originating benchmark identified.*
6. _____ *(a) Current zoning classification, as provided by the insurer.*
_____ *(b) Current zoning classification and building setback requirements, height and floor space area restrictions as set forth in that classification, as provided by the insurer. If none, so state.*
7. _____ *(a) Exterior dimensions of all buildings at ground level.*
_____ *(b) Square footage of:*
_____ *(1) exterior footprint of all buildings at ground level.*
_____ *(2) other areas as specified by the client.*
_____ *(c) Measured height of all buildings above grade at a location specified by the client. If no location is specified, the point of measurement shall be identified.*

8. _____ *Substantial features observed in the process of conducting the survey (in addition to the improvements and features required under Section 5 above) such as parking lots, billboards, signs, swimming pools, landscaped areas, etc.*
9. _____ *Striping, number and type (e.g. handicapped, motorcycle, regular, etc.) of parking spaces in parking areas, lots and structures.*
10. _____ *(a) Determination of the relationship and location of certain division or party walls designated by the client with respect to adjoining properties (client to obtain necessary permissions).*
- _____ *(b) Determination of whether certain walls designated by the client are plumb (client to obtain necessary permissions).*
11. *Location of utilities (representative examples of which are listed below) existing on or serving the surveyed property as determined by:*
- _____ *(a) Observed evidence.*
- _____ *(b) Observed evidence together with evidence from plans obtained from utility companies or provided by client, and markings by utility companies and other appropriate sources (with reference as to the source of information).*
- *Railroad tracks, spurs and sidings;*
 - *Manholes, catch basins, valve vaults and other surface indications of subterranean uses;*
 - *Wires and cables (including their function, if readily identifiable) crossing the surveyed property, and all poles on or within ten feet of the surveyed property. Without expressing a legal opinion as to the ownership or nature of the potential encroachment, the dimensions of all encroaching utility pole crossmembers or overhangs; and*
 - *utility company installations on the surveyed property.*
- Note - With regard to Table A, item 11(b), source information from plans and markings will be combined with observed evidence of utilities to develop a view of those underground utilities. However, lacking excavation, the exact location of underground features cannot be accurately, completely and reliably depicted. Where additional or more detailed information is required, the client is advised that excavation may be necessary.*
12. _____ *Governmental Agency survey-related requirements as specified by the client, such as for HUD surveys, and surveys for leases on Bureau of Land Management managed lands.*
13. _____ *Names of adjoining owners of platted lands according to current public records.*
14. _____ *Distance to the nearest intersecting street as specified by the client.*
15. _____ *Rectified orthophotography, photogrammetric mapping, airborne/mobile laser scanning and other similar products, tools or technologies as the basis for the showing the location of certain features (excluding boundaries) where ground measurements are not otherwise necessary to locate those features to an appropriate and acceptable accuracy relative to a nearby boundary. The surveyor shall (a) discuss the ramifications of such methodologies (e.g. the potential precision and completeness of the data gathered thereby) with the insurer, lender and client prior to the performance of the survey and, (b) place a note on the face of the survey explaining the source, date, precision and other*

relevant qualifications of any such data.

16. _____ *Observed evidence of current earth moving work, building construction or building additions.*
17. _____ *Proposed changes in street right of way lines, if information is available from the controlling jurisdiction. Observed evidence of recent street or sidewalk construction or repairs.*
18. _____ *Observed evidence of site use as a solid waste dump, sump or sanitary landfill.*
19. _____ *Location of wetland areas as delineated by appropriate authorities.*
20. _____ *(a) Locate improvements within any offsite easements or servitudes benefitting the surveyed property that are disclosed in the Record Documents provided to the surveyor and that are observed in the process of conducting the survey (client to obtain necessary permissions).*

_____ *(b) Monuments placed (or a reference monument or witness to the corner) at all major corners of any offsite easements or servitudes benefitting the surveyed property and disclosed in Record Documents provided to the surveyor (client to obtain necessary permissions).*
21. _____ *Professional Liability Insurance policy obtained by the surveyor in the minimum amount of \$_____ to be in effect throughout the contract term. Certificate of Insurance to be furnished upon request.*
22. _____

*Adopted by the Board of Governors, American Land Title Association, on October 13, 2010.
American Land Title Association, 1828 L St., N.W., Suite 705, Washington, D.C. 20036.*

Adopted by the Board of Directors, National Society of Professional Surveyors, on November 15, 2010.

National Society of Professional Surveyors, Inc., a member organization of the American Congress on Surveying and Mapping, 6 Montgomery Village Avenue, Suite 403, Gaithersburg, MD 20879