

Survey Article for Paper
By John V. Mettee III, Prof. LS
Vice President, CEM

Every commercial land transaction is anchored with a land survey and a title insurance policy. This is the requirement of all lenders who finance the transaction. In many of these transactions, however, due to cost or time restraints pressure is placed on the surveyor to perform something of less detail. Is this really necessary? What benefit is the survey anyway? Isn't it good enough that one was done a year or so ago? Isn't it just a map with a current surveyor's seal and signature?

It is very unfortunate that many individuals view a land survey as nothing more than an extra cost and a time delay when acquiring property. When in fact, the land survey is in reality a tremendous benefit to not only the lender but also the purchaser. Though some may be pressured into performing just a "quick and dirty" job, there are standards that a land surveyor must follow. In 2016, the American Land Title Association and the National Society of Professional Surveyors updated and adopted the minimum standard detail requirements for performing land title surveys. Also for all survey work performed in the State of Maryland since 1995, the Department of Labor, Licensing, and Regulation sets forth minimum standards of practice for all types of surveys performed by licensed surveyors. These requirements set forth the procedures and the level of detail that must be adhered to and the ALTA/NSPS standards also have optional specifications that are commonly referred to as the "Table A" list that include such items as the following: setting monuments at corners, showing vicinity map on drawing, flood zone designation, contours, identifying setbacks, square footage & height of buildings, parking areas & number of spaces, public road access, and utility locations.

What is the purpose of a survey? Well, a boundary survey (or as commonly referred to as a property survey by some) is to establish or re-establish the physical position and extent of the boundaries of real property. It reveals the existence of other rights affecting the property such as easements, rights of way, etc. Also, the relationships of improvements relative to property lines are established.

One might view the survey as being costly and time consuming because all they see is the map or drawing that is produced as the result of the survey. But consider what is not known about the steps taken to produce that drawing. What is not known is the level of research and investigation that is performed by a thorough survey. Not only does the surveyor investigate the record evidence for the subject tract of land, but they also investigate the record evidence of the adjoining tracts to reveal commonality or ambiguity. Furthermore, when performing the fieldwork, they investigate and survey the field evidence of property markers for both the subject tract and adjoining tracts in order to reveal any discrepancies that may exist with adjoining lines and deeds. Also visible encroachments and visible indications of the rights that may be acquired by prescription or adverse possession are surveyed. Without a doubt, there is a great deal of research and investigation that is performed both from public and private records and from the actual

site visits that are necessary in order to accurately represent the current conditions of the property on the map or drawing that is produced for settlement.

Furthermore, when a survey is performed property markers should be set if they were not recovered during the survey. Sometimes in an attempt to save money, this is an option that may be eliminated from the scope of work. But this can be very helpful in not only physically delineating the property lines on the ground, but also with visibly determining the reality of encroachments of physical improvements onto someone else's property or the encroachments of others onto the subject parcel of land. Also if an adjoining property owner wishes to dispute the delineation of a common boundary line, it would be best to have this out in the open prior to acquiring the property. This allows for the issues of disputes and discrepancies to be addressed prior to acquisition. Whether resolved or not, at least these issues can be revealed to the purchaser prior to ownership as opposed to finding out later.

In a nutshell, the surveyors' role is to discover the facts and then report them. The bottom line is a thorough land survey is beneficial to the purchaser because it allows him to be an informed purchaser.