

BOUNDARY SURVEY: WHY SHOULD YOU HAVE A SURVEY COMPLETED?

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One of the largest investments an individual or entity may pursue is the purchase of and improvements to a parcel of land. To protect the investment, it is imperative that the purchaser know all the related information. As with a structural engineer or a building inspector that examines the integrity of the structures on a particular site, the surveyor examines the integrity of the boundary of a parcel of land. There are many expenditures involved in a land transaction deal; the fee of a boundary survey that meets your needs, the needs of the other parties involved, and legal requirements are usually the least of those costs. It is, therefore, prudent to have a legal boundary survey performed by a licensed land surveyor. In the event of litigation, for the boundary survey to be considered legal and document-admissible, the land surveyor must be licensed in the state in which the property is located. In today's economic situation, individuals with only short-term and/or minimal interest in the land transaction are advising of other means to circumvent the need to have a legal boundary survey performed. This leaves the owner of the land unprotected and his/her investment in jeopardy in the future while the other individuals have moved on to the next land transaction.

Current land owners, especially large tracts with recent adjacent development or parcels that have not been surveyed for many years, may want to have their parcel surveyed as an inventory of their investment. Recent development or just the passing of time may cause situations where adverse possession and prescriptive easement claims may affect the parcel of land. These claims may result in reduced property values and loss of land. An example of the unfortunate loss of land was discovered during a recent boundary survey of a large parcel. This parcel was once in a rural area and titled to one family for many generations. During the development boom, many of the surrounding parcels were subdivided into smaller tracts and sold as recorded lots in platted subdivisions. The boundary survey of the larger parcel identified that a platted subdivision encroached onto said parcel by more than ten feet, for a quarter of a mile. Since the plat was recorded many years ago and the lots had since been sold to individual families, the cost of litigation and the unlikelihood of prevailing in a court of law lead the owner of the larger parcel to realize that the land was lost.

A boundary survey is performed for the primary purpose of documenting the perimeter of a parcel of land by establishing the location of the corners of the parcel. A boundary survey performed by an experienced surveyor would identify possible adverse possession and prescriptive easement claims against the parcel of land, and also identify possible boundary line disputes. Other purposes for a boundary survey may include the mapping of the location of fixed improvements with reference to the boundary lines, assisting in dividing the parcel into smaller tracts, or subdividing the parcel for subdivision platting purposes. When expanding an existing building and/or adding new improvements to a particular site, a boundary survey would assist in ensuring that the improvements are built on the parcel of land for which it was intended without encroachment onto adjoining lands.

As a consumer, one will encounter basically two types of standards for boundary surveys: an American Land Title Association (ALTA)/American Congress of Surveying and Mapping (ACSM) Land Title Survey and a boundary survey that meets the standards of the regulatory agency of an individual state. The ALTA/ACSM Land Title Survey is comprehensive and is recognized across the nation. The intention of ALTA/ACSM standards is to establish a level of standards, so that entities in a land transaction, regardless of the state in which the individual entities may be located, will be ensured of a common standard. Individual state standards are usually set as the minimum standards by that state. The consumer should verify the standards required for his/her transaction.

The process of performing a boundary survey commences with the research of the county records and review of the documentation provided. Pre-survey research provides the surveyor with the knowledge of the parcel of land and the potential for boundary line conflicts that may be discovered when reviewing adjoining owner's parcel information. The surveyor is then in a better position to direct the field survey efforts. A survey field crew will provide research of existing boundary lines and corner locations through evaluation of possession of occupation, existing boundary corners found, and testimonials of the surrounding land owners. Though the request for a boundary survey is for a particular parcel, in some circumstances, the survey crew may need to perform field research many miles from the parcel of land to be surveyed. This in-depth field research will assist with solving and

accurately locating the boundary lines of a parcel of land. All office- and field-generated research is gathered and analyzed to determine the location of the boundary lines and corners. The final product, provided to the client, is a signed and sealed survey map and report that depicts the location of the boundary line in reference to fixed improvements, and notation of possible boundary dispute and adverse claim issues if they exist.

The cost of a boundary survey depends on many factors; the type of terrain, accessibility to existing boundary lines and corners, and the availability of existing records and monumentation. Ways to reduce the cost of a boundary survey:

- Provide copies of previous surveys and records of the parcel to be surveyed;
- Check with adjoining property owners for copies of surveys;
- Find a land surveyor that has performed boundary surveys in the vicinity of the site to be surveyed;
- If reasonable, clear brush and debris from property corners and boundary lines;
- Ensure safe access to the parcel (gates are unlocked, pets are secured, tenants are informed of a land survey being performed);
- Verify the required standards for the survey (ALTA/ACSM Land Title Survey versus individual state requirements).

Under certain circumstances, a legal description and sketch may replace the need for a boundary survey. Discuss this with your land surveyor.

Choosing a Land Surveyor

When selecting a land surveyor, verify the surveyor and business entity is licensed in the state in which the property is located. In Florida, you may check license status at <http://www.doacs.state.fl.us/>. Each survey business entity must have a licensed surveyor. There are surveyors and business entities that specialize in many different disciplines of surveying which may include boundary, construction, aerial photogrammetry, terrestrial scanning and hydrographic. While the surveyor you select may be a licensed surveyor and/or business entity, it should be noted that it is against professional principles to practice outside the realm of expertise for which the surveyor has been trained. In other words, you would not want to have open heart surgery performed by a podiatrist. Some surveyors specializing in disciplines that are struggling in the current economic situation are exploring work outside of their expertise. Though they are licensed to do so, the public could be harmed by the inexperience of such surveyors. Also verify that the surveyor or survey business carries adequate professional liability insurance. Florida does not require professional liability insurance to practice land surveying. A surveyor or business entity that does not carry professional liability insurance must provide notice of such omission of insurance.

It will benefit the owners of a parcel of land to have a boundary survey performed to protect their investment and to be educated on the risks of the potential loss of not hiring a licensed, insured, and experienced land surveyor.

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