

# **ALTA / NSPS LAND TITLE SURVEYS 2016 - STANDARDS**

**UTAH COUNCIL OF LAND SURVEYORS  
2016 ANNUAL CONFERENCE**

**STEVEN V. KEISEL, PLS**

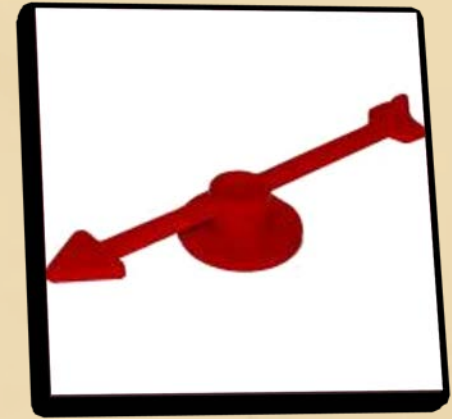
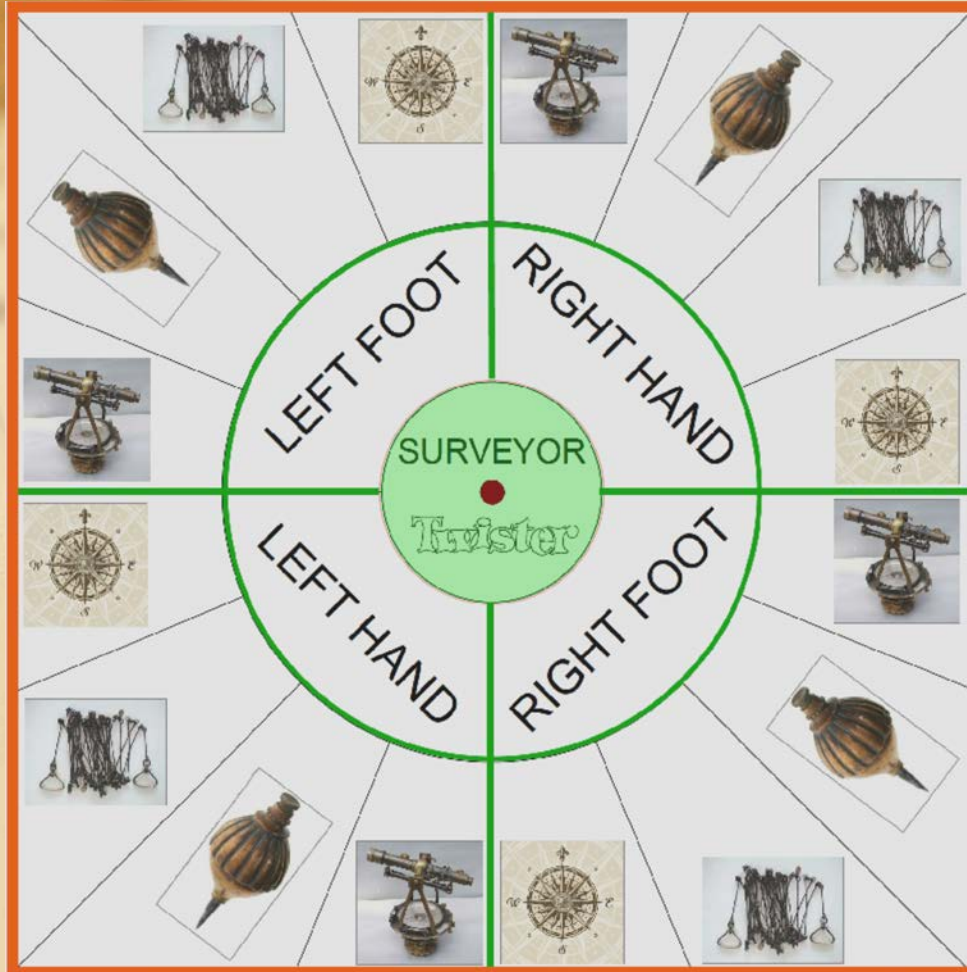
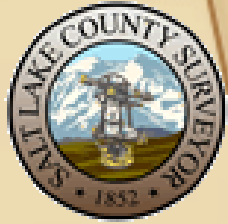
# ALTA / NSPS LAND TITLE SURVEYS

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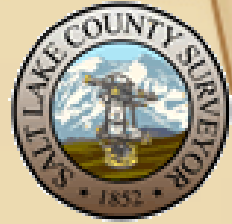


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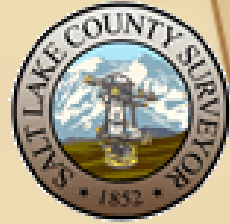


## Presentation Agenda

- Introduction
- History
- Who
- What
- Why
- Where
- When
- Significant Revisions
- Video
- Questions?



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## • Who?

- ALTA; American Land Title Association
- NSPS; National Society of Professional Surveyors
  - Surveyor
  - Owner
  - Buyer
  - Lender
  - Title Insurer

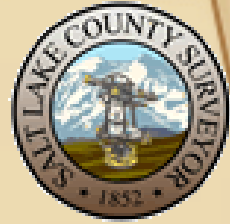
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- **What?**

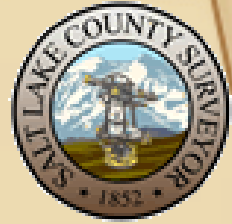
- Intended to clarify the areas of the requirements which were commonly subject to differing opinions and
- How they affect the survey recipient

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- **Why?**
- NSPS as the legal successor to ACSM required changes to the standards
- Changes in technology and practice since 2011
- Clarify Responsibilities
  - Surveyor
  - Client
- Improve Consistencies of Land Title Surveys

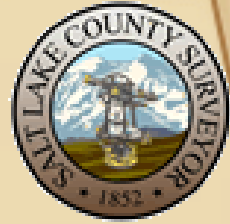
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- **Where?**
- Commercial
- Residential
- Public
- Private



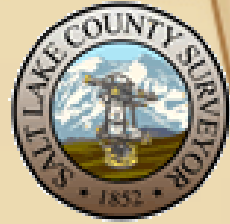
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- **When?**

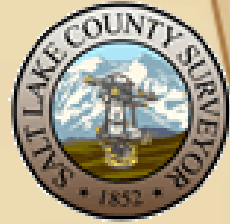
- First Adopted in 1962
- Revised in 1986, 1988, 1992, 1997, 2005, & 2011
- Complete rewrite in 2011
- 2016 Effective date February 23, 2016
  - Coincident with Terminalia
    - Celebration with the Roman God Terminus who protects boundary markers

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*NOTE - The National Society of Professional Surveyors, Inc. (NSPS) is the legal successor organization to the American Congress on Surveying and Mapping (ACSM) and that these 2016 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys are the next version of the former Minimum Standard Detail Requirements for ALTA/ACSM Land Title Surveys.*

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- **Insurance**

- Health, Auto, Homeowners, & Life

- Anticipate claim and payment

- Title

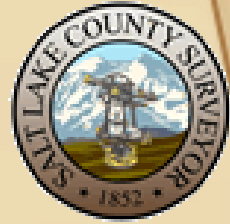
- Risk Elimination Insurance

- Exception

- Mitigation

- No anticipated claim or payment

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## Significant Revisions

- **Section 2—Request for Survey**

- The list of unusual properties or interests in real property that can be the subject of an ALTA/NSPS Land Title Survey has been expanded so that it clearly **includes easements** in addition to fee title

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## Significant Revisions

### • Section 4—Records Research

- For the purpose of an ALTA/ NSPS Land Title Survey, the surveyor must be provided with the most recent title commitment (legible if possible). However,
- if a title commitment is not made available, title evidence satisfactory to the title insurer is acceptable; including
  - an abstract of title,
  - a title opinion,
  - an old title policy or
  - one of the various other types of products that title companies produce

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## Significant Revisions

- **Section 4—Records Research**

- The term “Record Documents” was abandoned, in favor of referencing those documents that are *“to be provided to the surveyor.”*
- Includes “records established under state statutes for the purpose of imparting constructive notice of matters relating to real property (public records)”
- and to which the client wishes the surveyor make reference to.

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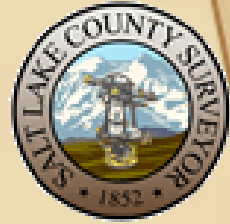


## Significant Revisions

- **Section 4—Records Research**

- The 2016 Standards direct the surveyor to look to his or her jurisdictional standards whether
  - statutory or administrative/regulatory
- when either
  - a) the documents that were to be provided by virtue of Section 4 are not forthcoming, or
  - b) the surveyor needs other documents to complete the survey.

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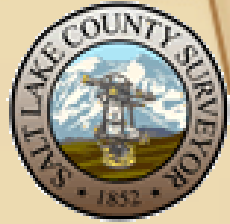


## Significant Revisions

- **Section 5—Fieldwork**
- The degree of precision pursuant to the 2016 Standards is to be based on the surveyor's professional judgment when taking into account
  - a) the planned use of the property, if reported in writing to the surveyor by the client, lender, or insurer, or
  - b) the existing use, if the planned use is not so reported"



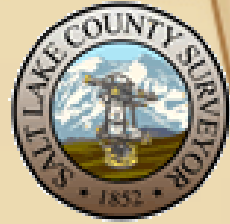
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## Significant Revisions

- **Section 5—Fieldwork**
- What used to be Table A Item 11(a) has now been made a required part of an ALTA/NSPS Land Title Survey by eliminating the conundrum caused by the dynamics between former
  - Table A item 11(a) (**evidence of utilities**) with
  - Sections 5.E.i. and ii. (**observed evidence of easements**)

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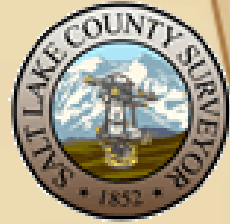


## Significant Revisions

- **Section 5—Fieldwork**

- In addition to showing the dedicated right of way width, Section 5.B.ii requires the land surveyor to show “the location of each edge of the traveled way” unless there is no access from the land to the traveled way.
- Divided streets and highways shall be noted

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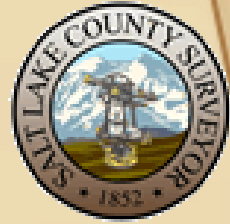


## Significant Revisions

- **Section 5—Fieldwork**

- Section 5.C.ii. States the surveyor will show improvements of adjoining properties, unless physical access is restricted by neighbors or physical impediments
- Generally speaking, the surveyor does not need to show trees and bushes on the plat of survey - unless the vegetation represents evidence of possession, such as a tree line.

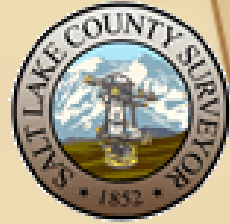
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## Significant Revisions

- **Section 5—Fieldwork**
- Section 5.G.i. requires the surveyor to locate canals, ditches, marshes, and swamps in addition to springs, ponds, lakes, streams and rivers if they are running through or outside, but within five feet of the perimeter boundary of the surveyed property

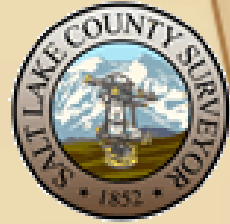
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## Significant Revisions

- **Section 6—Plat or Map**
- Encourages the surveyor to include notes on the plat.
- Dimensioning is left to the judgment of the surveyor based on the planned use of the property as reported (or not).

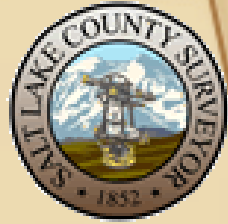
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## Significant Revisions

- **Section 6—Plat or Map**
- When the surveyor decides it is appropriate to prepare a new description based on the results of his or her survey, Section 6.B.ii. now requires a note explaining how the new description relates to the record description.

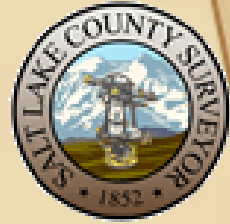
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## Significant Revisions

- **Section 6—Plat or Map**
- Section 6.B.vii was amended to make it clear that the surveyor is not responsible for determining how to resolve the problem of gaps or overlaps between land parcels.

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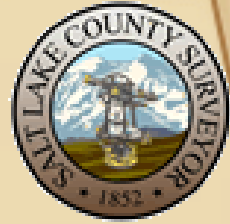


## Significant Revisions

- **Section 6—Plat or Map**
- Section 5.C.ii. requires the surveyor to show the character and location of all walls, buildings, fences, and other improvements within five feet of each side of the boundary lines, *unless physical access is restricted*.



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## Significant Revisions

- **Section 6—Plat or Map**
- Subsection 5.E.ii. requires
  - a summary of the plottable easements and servitudes listed in Schedule B2 of the title commitment, and
  - a statement as to whether or not each item is shown.

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## Significant Revisions

- **Section 6—Plat or Map**
- Subsection 6.D.g requires an explanation if items in Table A were negotiated.
  - Any additional negotiated Table A items will be identified as item 21;
  - multiple additional items, shall be identified as 21(a), 21(b), etc.

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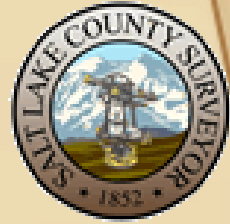


## Significant Revisions

- **Table A**

- Item 6 requires that a report or letter containing the zoning information that the client or lender wants identified on the plat/map *be provided to the surveyor by the client.*
- Item 6(b) relieves the surveyor from having to graphically depict setback lines if doing so requires an interpretation on the part of the surveyor.

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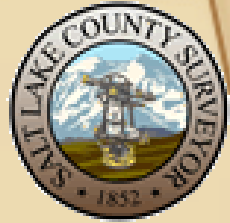


## Significant Revisions

- **Table A**

- Item 8 now includes “substantial areas of refuse” as compared to the former Table A Item 18 (“Observed evidence of site use as a solid waste dump, sump or sanitary landfill”).

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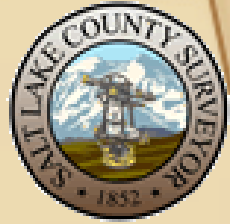


## Significant Revisions

- **Table A**

- The surveyor now has two duties in item 9
  1. Set forth the number and type of parking spaces on surface parking areas, lots, and in parking structures
  2. Set forth the striping of "clearly identifiable" parking spaces on "surface parking areas and lots."

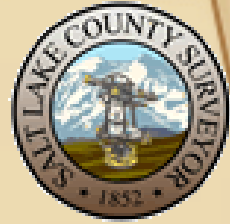
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## Significant Revisions

- **Table A**
- The Surveyor is responsible to obtain utility plans and/or order utility locates.
- However, surveyors may qualify or spell out what they will and will not do in their contract.
- Item 11 has been modified to lower the client's expectations as to what surveyors may actually be able to accomplish with regard to utilities.

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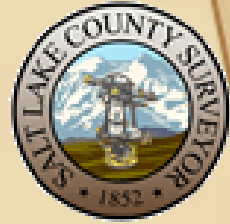


## Significant Revisions

- **Table A**

- Item 18 (Wetlands) make it clear that surveyors are not responsible for delineating wetlands.
- Item 19(b) in the 2011 Standards was eliminated because it was determined that setting monuments on someone else's property could be problematic and could constitute a trespass.

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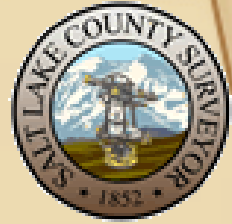
## Significant Revisions

- **Table A**

- Item 20 states that information related to professional liability insurance shall not appear on the face of the plat or map.



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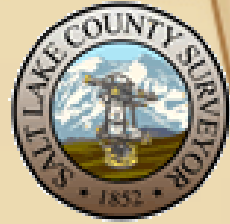
The GeoLearn logo, consisting of a blue circular icon with white curved lines on the left, and the word "geolearn" in a sans-serif font where "geo" is green and "learn" is black on the right. A small black stick figure is walking from left to right, carrying the "o" in "learn" on its back.

0:03 / 24:22

2016 ALTA-NSPS Land Title Survey Standards: What's Changed?

<http://youtu.be/Dsl8fKk7Tuo>

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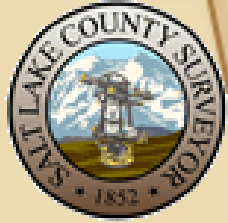


## 2016 ALTA/NSPS Updates

- Every modification has its own specific purpose.
- Virtually every change will either directly or indirectly benefit surveyors, while
- not diminishing the value of the product for the ultimate user—the title insurers.

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Who Wants  
to Play?

