

Title Alert 2016-08

**June 30, 2016
PA - ADVISORY**

2016 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys

Purpose: To summarize certain notable changes to the standard survey requirements, as set forth in the new 2016 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys.

Advisory: The American Land Title Association (“ALTA”) and the National Society of Professional Surveyors (“NSPS”) recently adopted the new 2016 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys. The new standards, which replace those published in 2011, became effective on February 23, 2016. A summary of some of the more notable changes is set forth below. Because the summary is not all-encompassing, you are encouraged to review the 2016 standards and related materials published by ALTA on its website for more detail. Note that the changes made by the new 2016 standards should not have a significant effect on underwriting practices.

1. **Name change:** The most obvious change is the name change from ALTA/ACSM to ALTA/NSPS. This was done to reflect the fact that the American Congress on Surveying and Mapping (“ACSM”) merged into NSPS a few years ago.
2. **Section 2:** Clarifies that a survey can be performed on easements, leases, and other non-fee simple interests.
3. **Section 4:** Clarifies what documents must be provided to the surveyor and the surveyor’s responsibility in the event those documents are not provided. Clarifies that other title evidence satisfactory to the insurer may be provided in lieu of a title commitment to perform the ALTA/NSPS Land Title Survey.
4. **Section 5:** Clarifies the precision required for locating features in the field, depending upon the use of the property.
 - a. Clarifies surveyor’s responsibility to locate the traveled way on abutting streets and highways. (Section 5.B.ii.)
 - b. Clarifies the surveyor’s responsibility to locate evidence of right of way lines. (Section 5.B.vi.)
 - c. Acknowledges that physical access may be restricted within 5 feet of the perimeter boundary (a note to that effect is required by Section 6.B.xi.). (Section 5.C.ii.)
 - d. The location and depiction of observed (above-ground) evidence of utilities is now mandatory, rather than optional as it was under Table A item 11(a) in the 2011 standards. (Section 5.E.iv.)
 - e. Observed canals, ditches, marshes, and swamps must now be shown. (Section 5.G.i.)
5. **Section 6:** Clarifies the precision required for annotating dimensions, depending on the use of the property.
 - a. Requires a note indicating that any new description prepared by the surveyor describes the same real estate as the record description or, if not, how and why it differs. (Section 6.B.ii.)
 - b. Clarifies that buildings must be dimensioned in a perpendicular manner from perimeter boundary lines. (Section 6.B.ix.)
 - c. Requires a note identifying areas to which physical access within 5 feet of the perimeter boundary is restricted, if any. See Section 5.C.ii. above. (Section 6.B.xi.)

- d. Requires a summary of the rights of way, easements, and servitudes burdening the property pursuant to title evidence provided or obtained by the surveyor, whether shown or not. Requires various other related notes when circumstances require. (Section 6.C.ii.)
6. **Table A:** Includes 20 items which may be negotiated between surveyor and client. Any additional items must be identified as 21(a), 21(b), etc., and explained pursuant to Section 6.D.ii.(g).
- a. **Item 6(a):** The client must provide the surveyor a zoning letter or report containing the zoning information desired on the face of the plat.
 - b. **Item 6(b):** The client must provide the surveyor a zoning letter or report containing relevant setback information desired on the face of the plat. Unless the setbacks require interpretation, the surveyor will graphically depict them.
 - c. **Item 8:** "Substantial areas of refuse" must now be located and shown.
 - d. **Item 9:** Clarifies that surveyor is only required to depict striping of "clearly identifiable parking spaces on surface parking areas and lots," i.e. not required to depict the striping within parking structures.
 - e. **Item 11:** Item 11(a), now required under Section 5.E.iv., was removed, turning what was 11(b) into simply 11. Clarifies that the surveyor must try to obtain utility plans and make 811 or other similar utility locate requests. Expands the "Note to client, insurer and lender" to explain what the surveyor can and cannot do with respect to locating and showing underground utility lines.
 - f. **Item 13:** Clarifies that names of adjoining owners come from the tax records. Allows use of "et al." where listing all owners would be burdensome (e.g., common area in a condominium complex).
 - g. **Former Item 18:** Item 18 used to require observed evidence of site use as a solid waste dump, sump, or sanitary landfill. This has been deleted in recognition of the fact that these items are identified in the "Phase One" environmental assessments routinely obtained in commercial transactions. The change also reflects the fact that surveyors may not actually be qualified to recognize such matters.
 - h. **Item 18 (former item 19):** Clarifies surveyor's responsibility to locate field delineation of wetlands placed by a qualified specialist hired by the client, if any. Clarifies that the surveyor is not responsible for actually determining whether an area constitutes wetlands.
 - i. **Item 19 (former item 20):** Former 20(b) (monument off-site easements) was deleted. Former 20(a) was revised to clearly require depiction of offsite easements or servitudes disclosed in the documents provided to or obtained by the surveyor.
 - j. **Item 20 (former item 21):** Clarifies that the surveyor shall not address professional liability coverage on the face of the plat or map.

If you have any questions, please feel free to contact us.

Republication of First American's Corporate Underwriting Department Communication NA-2016-008-Advisory. First American Title Insurance Company makes no express or implied warranty respecting the information presented and assumes no responsibility for errors or omissions.

NOTE: This Title Alert is intended solely for the employees of Penn Attorneys/Ohio Bar Title Insurance Company and its Approved Attorneys, is not to be distributed to third parties, and any reliance by any other person or entity is unauthorized. This Title Alert is intended solely for the purpose of underwriting policies of Ohio Bar Title Insurance Company.

NOTE TO APPROVED ATTORNEYS: Under the Approved Attorney system, the scope of our relationship is limited to the functions of underwriting and the issuance of title insurance policies on your behalf and does not include closing or escrow services. We sometimes provide information and recommendations with regard to your closing or escrow business as a courtesy to you. Moreover, some communications, depending on whether noncompliance could impact on liability under our policies or closing protection letters, should be considered directives. This Title Alert is being provided to you with those considerations in mind.

* * * * This Title Alert should become a permanent part of your records to assure compliance with its requirements. * * * *