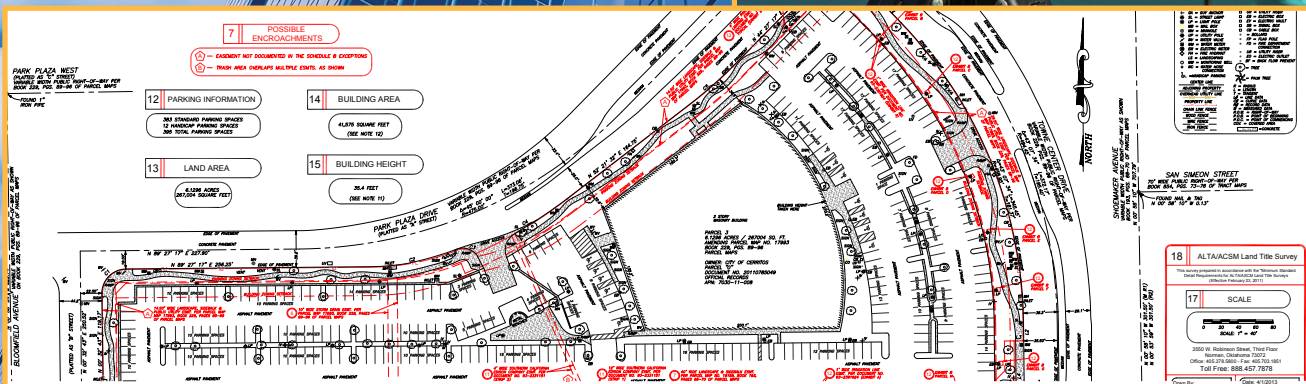


# Simplifying the Due Diligence Process

2016 ALTA / NSPS Land Title Survey Standards,  
 ALTA Survey, Zoning and Flood Reference Guide

Specialized Services Integral to  
 Commercial Real Estate Transactions





*An Investment in Knowledge  
Builds Relationships.*

**This guide is designed to assist in the understanding and appreciation of the land title surveying process, the 2016 ALTA/NSPS standards and ensure your due diligence requirements are achieved.**

**Providing specialized services integral to your commercial transaction.**

- ALTA Land Title Surveys & Survey Services.
- State Minimum Boundary Surveys.
- Custom Property Investigation Reports.
- As-Built Surveys for Development Projects.
- Zoning Compliance Reports / Letter & Code Searches.
- Flood Elevation Certificates & Flood Determination Services.
- *ExpressMap*<sup>®</sup> Services.



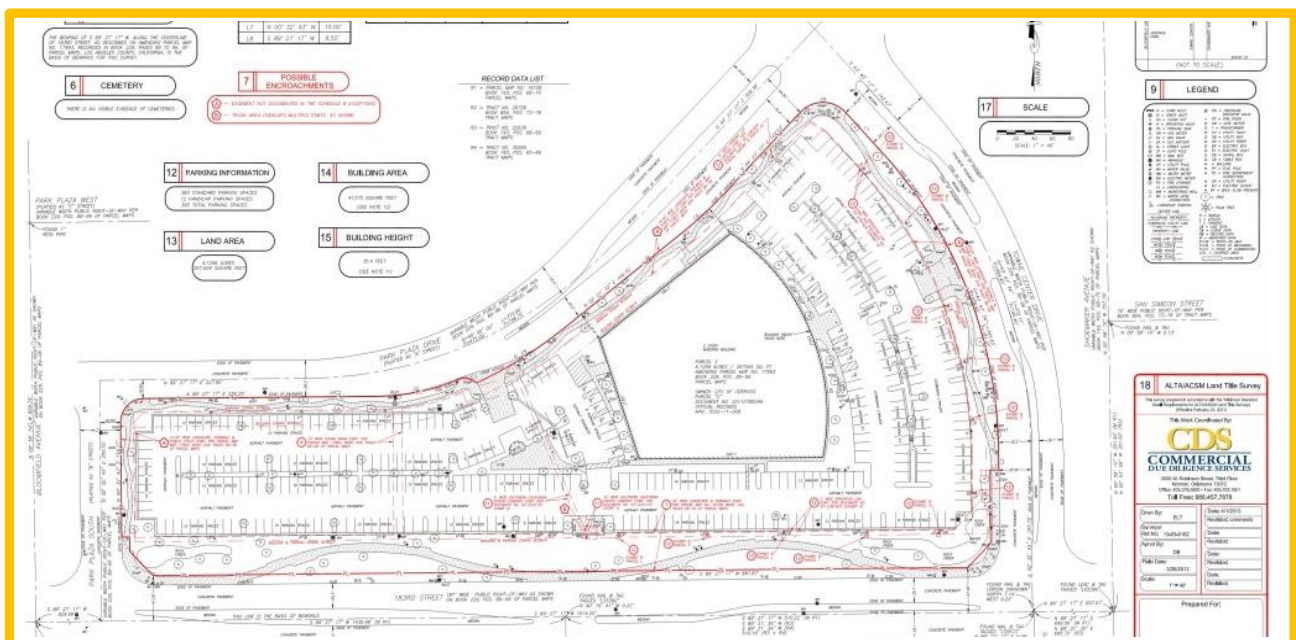
*Simplifying the due diligence process is our goal.* Sharing our knowledge, experience, and support ensures our client's requirements are achieved.

This reference guide will provide a practical view of the 2016 ALTA/NSPS Land Title Survey standards and changes from 2011; it outlines the guidelines the Professional Land Surveyor must follow to create an American Land Title Association® (ALTA) Land Title Survey, current Table A options and why ordering an ALTA Land Title Survey is necessary. We will also share important review items to check once your ALTA Land Title Survey is delivered.

Dependable information is paramount to a commercial real estate transaction and allows the professionals involved to make decisions regarding the viability of their investment and assess potential risks.

FA Commercial Due Diligence Services provides core services on a national platform, delivering a clear presentation and understanding for all parties involved in the transaction.

- ALTA Land Title Surveys & Survey Services.
- State Minimum Boundary Surveys.
- Custom Property Investigation Reports.
- As-Built Surveys for Development Projects.
- Zoning Compliance Reports / Letter & Code Searches.
- Flood Elevation Certificates & Flood Determination Services.
- **ExpressMap®** Services, an Innovative Underwriting Tool Utilizing Aerial Imagery.



# ***A Practical View of the 2016 ALTA/NSPS Land Title Survey Standards and Changes***

Provided by: FA Commercial Due Diligence Services (CDS)

The 2016 ALTA/NSPS Land Title Survey Standards were updated by the ALTA liaison committee with input from the National Society of Professional Surveyors (NSPS). Modifications focus on better clarity of the standards, research responsibilities, subject matter focus of the Professional Land Surveyor and required levels of reporting. Changes were created, not only from the surveyor's point of view, but also considering the concerns of the client, real estate attorneys, title insurance companies and lenders. This pragmatic approach was taken to ensure proper field data collection, while being mindful of opportunities to manage transactional costs attributed to land surveying.

The purpose driven minimum standards establish the base requirements and technical guidelines required of the surveyor permitting the survey to qualify as an ALTA Land Title Survey. The optional Table A items outline additional responsibilities and specifications that may be negotiated between the client and surveyor for each specific project.

## ***- The ALTA Land Title Survey -***

Land surveying is traditionally defined as the science and art of determining relative positions of points above, on or beneath the surface of the Earth or establishing such points of interest. Creating an ALTA Land Title Survey requires the Professional Land Surveyor (PLS) to follow a set of guidelines and certifications allowing the survey to qualify as an ALTA Land Title Survey.

Utilizing information provided within the title insurance commitment or preliminary title report, the Professional Land Surveyor begins the process of developing the ALTA Land Title Survey. The first step of the surveying process is to gather information, perform research and review the recorded items of public record that either benefit or burden the subject property described. After the review is complete, the surveying crew occupies the site to deploy equipment and acquire relevant data. The measured calls, observed data and field notes captured while on-site is compiled and processed under the responsible charge of the Professional Land Surveyor. Finally the distinctive data points are utilized to create the plat or map commonly referred to as the survey drawing. The ALTA Land Title Survey drawing includes the following:

- Current ALTA certification.
- Signature and seal of the Professional Land Surveyor.
- Boundary and legal description of the subject property.  
The PLS will provide both the measured and recorded legal description if applicable.
- Improvements within the boundary of the subject property.
- Survey related Schedule B items detailing items that may benefit or burden the subject property.
- Identification of adjoining properties.

- The relationship of the boundaries to the subject property with the adjoining properties (e.g., contiguity, gaps, overlaps).
- Access and adjoining rights of way.
- Bodies of water and or water features.
- Utilities, location and type.
- Easements for access, utilities, and servitudes as applicable.
- Possible encroachments onto the subject property or the adjoining properties as noted.
- Parking. Depicting surface parking areas (stripes, types, and location) while providing parking counts for spaces within parking structures.

**The survey will depict how the survey-related items impact the property and provide clarity for forming title coverage and other transaction related decisions.** Standard survey exceptions are intended to protect the title insurer from matters which may affect the title and may not be discovered by an examination of the public land records alone. Including:

- Discrepancies, conflicts, or shortage in area or boundary lines, or any encroachments or protrusions, or any overlaps of improvements. Facts which a correct ALTA Land Title Survey would disclose, and may not be shown by public records.
- Any facts, rights, interests or claims which would be disclosed by a correct ALTA Land Title Survey.
- Unrecorded and apparent access or use issues that may only be determined through on-site observations of a Professional Land Surveyor.

### ***- Purpose of the ALTA Land Title Survey -***

The ALTA Land Title Survey addresses the needs unique to title insurance matters when asked to insure title to land without exception as to the many matters which may be discovered from a land survey and on-site inspection that would not be evidenced by public records. The ALTA Land Title Survey presents facts in a manner that provides distinct and clear understanding between the title insurer, client and lender.

The ALTA Land Title Survey is provided to the title insurance company for the purpose of gaining “Extended Coverage” within the title insurance policy for the owner’s and lender’s title insurance coverage. Reliance upon the ALTA Land Title Surveys as a title insurance underwriting tool on subsequent transactions necessitates that the highest level of standards are adhered to for the initial survey request. The ALTA Land Title Survey serves to ensure parties to future transactions accept the level of information detail to satisfy their due diligence requirements.

What one underwriter may accept for writing a policy today may not be what is required by another underwriter on a future transaction involving the same property, even from the same title insurance company. Certainty that the ALTA Land Title Survey is completed in accordance

with the standards greatly extends the value of the due diligence work performed today by increasing its acceptability to be used in future transactions. It is also possible for the parties involved to negotiate with the current underwriter to use an instrument that deviates from the ALTA standards to provide the same coverage as it would if an ALTA Land Title Survey were provided. This is a decision each underwriter or underwriting office must weigh when considering the many due diligence matters within a given transaction.

### ***- 2016 ALTA/NSPS Land Title Survey Minimum Standards -***

The ALTA/NSPS Minimum Standards provide guidance and clarification for the level of detail, accuracy and type of information the Professional Land Surveyor is to provide. The precision of the standards is important to avoid controversy or need for discussion. The complete 2016 Minimum Standards Detail Requirements for ALTA/NSPS Land Title Surveys (Effective February 23, 2016) is provided in the next section of this document.

The following outline will provide a brief overview of the eight (8) individual sections that form the minimum standards for 2016.

**1. Purpose** – Provide a truthful presentation of specific information unique to title insurance matters to ensure a clear understanding for all parties involved. In order to meet this requirement all parties must be able to rely upon the surveyor to prepare plats or maps that are professional, uniform, complete and accurate. It was most important to create a nationally accepted platform that could be trusted by title insurance companies, lenders and clients no matter where they are located within the United States.

**2. Request for Survey** – Providing written authorization to proceed and guidance for the Table A items that are to be included by the surveyor as directed by the person or entity responsible for paying for the survey. The 2016 standards include clarification that an ALTA Land Title Survey can be performed on non-fee simple interests (i.e. trailer parks, easements, leases, etc.).

**3. Surveying Standards and Standards of Care** – Governing the surveyor's work or how the work will be performed guaranteeing accuracy, measurement standards and consistency. Include the following specific items.

- Where conflicts between the ALTA/NSPS Minimum Standards and any local jurisdictional requirements occur, the more stringent shall apply.
- Relative Positional Precision, the accuracy and control required of the surveyor to provide proper boundary resolution. Potentially creating the reporting of an accurately measured legal description that differs from the recorded legal description.

**4. Records Research** – Sets forth the provision of appropriate and reliable data to the surveyor for the preparation of the survey and addresses the surveyor’s responsibility if documents are not provided. The 2016 standards allow evidence other than a title commitment to be relied upon for the creation of the survey if acceptable to the title insurer.

**5. Fieldwork** – Clarifies what items are required for the survey through data collection and observation. Including; monuments, right of ways and access, possible encroachments, improvements, buildings, identification of adjoining properties, Schedule B items (easements), water features and the Surveyor’s Notes. The 2016 standards include observed evidence of utilities as being mandatory and no longer an optional Table A item as set forth in 2011 as Table A Item 11.(a).

**6. Plat or Map** - Required elements included and presentation of the survey data to be depicted on the plat or map. Most of the elements align with the requirements set forth in Section 4. and 5. The presentation portion of this section does not provide explicit instructions for the “art” or how the drawing of the plat or map is arranged.

**7. Certification** – Altering the certification language as set forth in Section 7. disregards the plat or map as an ALTA Land Title Survey. The certification language specifically stipulates the parties that may rely upon the ALTA Land Title Survey being delivered, Table A items included, date completed and the surveyor responsible for the work product delivered as shown by their signature and professional seal.

A client’s request to make changes to the prescribed certification language should be challenged with the direct response that any modifications will cause the survey to no longer be considered an ALTA Land Title Survey.

**8. Deliverable** – Detailing the parties to which the plat or map of the survey is to be delivered to (i.e. insurer, lender and clients) and the delivery format (i.e. hard copies or digital image).

### ***- 2016 ALTA/NSPS Land Title Survey Table A Items -***

**The ALTA/NSPS Table A items are optional items that may be negotiated between the client and the surveyor.** It is important to note that if none of the Table A items are selected the survey will be recognized as an ALTA Land Title Survey and is often referred to as an ALTA Minimum Technical Land Survey. To satisfy the requirements of most lenders and title insurance companies, CDS provides guidance by indicating the particular Table A items viewed by the commercial real estate industry as “standard” within each proposal provided to their clients.

The following outline will highlight the significant 2016 changes and provide a brief overview of the twenty one (21) items that may be negotiated. Many of the 2011 Table A Items did not require modification and therefore are only listed below. The complete detail for each Table A item is provided in the next section of this document as included in the complete 2016 Minimum Standards Detail Requirements for ALTA/NSPS Land Title Surveys.

**Item 1. Monuments** placed at all major corners of the boundary of the property unless already marked. It is important to note that in most Western States, local jurisdiction dictates that once monuments are set the survey is required to be filed of record with the municipality by the surveyor.

**Item 2. Address(es)** of the surveyed property.

**Item 3. Flood Zone Classification.**

**Item 4. Gross Land Area.**

**Item 5. Vertical Relief** (topographic data).

**Item 6.(a) List the current zoning** classification, setback requirements, the height and floor space area restrictions and parking requirements. Identify the date and source of the report or letter.

***2016 requires zoning information to be provided to the surveyor by the client and not the insurer as set forth in 2011.*** Requiring the client to engage municipalities directly or engage a zoning information resource like CDS to provide the applicable zoning report. Utilizing a zoning research company reduces the risk of unforeseen expenses, delays and inadequate reporting.

**Item 6.(b.) Graphically depict the building setback requirements as provided by the client if the requirements do not require an interpretation by the surveyor.** Identify the date and source of the report or letter. Clarity is provided to address the responsibility of the surveyor and relieving them from the expectation of providing an opinion or statement to the intent of the data provided by the client.

**Item 7.(a.) Exterior dimensions** of all buildings at ground level.

**Item 7.(b.) Square footage** of exterior footprint of all buildings at ground level.

**Item 7.(c.) Measured height** of all buildings.

**Item 8. Substantial features observed** (in addition to the improvements and features required pursuant to Minimum Standards Section 5.) 2016 now contains “... ***substantial areas of refuse...***” in addition to parking lots, billboards, signs, swimming pools, and landscape areas.

**Item 9. Number and type of clearly identifiable parking spaces** on surface parking areas, lots and in parking structures. ***2016 clarifies striping of clearly identifiable parking spaces on surface parking areas and lots.*** Specifically addressing that the surveyor is not required to provide a site plan or depict the striping within parking structures.



**Item 10. Determination of division or party walls.**

**Item 11. Location of utilities existing on or serving the surveyed property.** 2016 clarifies the above ground observance of utilities existing on or serving the surveyed property is now required pursuant to 2016 Minimum Standards Section 5. The 2016 Table A optional item addresses the surveyor's responsibility for identifying underground utilities through attempts to obtain utility plans, making the 811 utility location request or information provided by the client.

**Item 12. Government Agency survey-related requirements** (e.g. HUD).

**Item 13. Names of adjoining owners according to current tax records.** 2016 clarifies the specific source for the information to provide consistency.

**Item 14. Distance to the nearest intersecting street.**

**Item 15. Use of rectified orthophotography aerial imagery.**

**Item 16. Evidence of recent earth moving or construction work.** This item is essential for a lender to ensure that their mortgage will not be subordinate to a mechanic's lien.

**Item 17. Proposed changes in street right of way lines.**

**Item 18. Wetlands.** 2016 focuses on wetlands and clarifies the surveyor's responsibility to locate any field delineation of wetlands if placed by a qualified specialist hired by the client and not the determination or classification of an area as wetlands by the surveyor. In 2011, Table A Item 18. addressed sites being used as solid waste dump, sump, or sanitary landfill. The responsibility for determining such areas has been placed with providers of environmental assessments, not the surveyor and therefore **deleted**.

**Item 19. Include any plottable offsite (i.e. appurtenant) easement or servitudes** disclosed in documents provided or obtained as a part of the survey pursuant to Minimum Standards Section 5. and 6. Along with improvements as defined in Minimum Standards Sections 5. and 6. (client is responsible for obtaining necessary permissions). Former 2011 Table A Item 20.(a.) is now the 2016, Table A Item 19.

2011 Table A Item 20.(b) monuments placed at all major corners of any offsite easement or servitudes ... has been **deleted**.

**Item 20. Professional liability insurance** requirement of the surveyor was added in 2011 as Table A 21. 2016, added specific language "...shall not be addressed on the face of the plat or map." Once the specific coverage of insurance is negotiated that amount is not to be displayed.

**Additional Items** negotiated between client and the surveyor shall be identified as **21.(a)**, **21.(b)**, etc. and explained pursuant to Section 6.D.ii.(g). Establishing a platform to deliver unique client requirements, that are, within the knowledge, training and capabilities of the Professional Land Surveyor. This option also provides opportunities to control surveying fees through the use of alternative surveying or drafting methods by which items are graphically depicted and not measured.

For example, Table A Item 21.(a), offered below by CDS for a cost savings alternative to Table A 19. In most situations this CDS alternative satisfies the requirements of lenders and title insurance companies concerning easements or servitudes benefiting the subject property and reduces surveying fees and delivery times.

**CDS Table A Item 21.(a)** Graphically depict in relationship to the subject tract or property and any offsite easements or servitudes benefiting the surveyed property and disclosed in Record Documents provided to the surveyor as part of the Schedule “A”.

Application – consider what Table A, Item 19. requires the surveyor to complete when contracted to provide an ALTA Land Title Survey for a restaurant located within an outparcel of a shopping mall. Key factor, each of the mall roads and parking lot areas providing access to the restaurant benefiting the subject property create offsite easements. Table A, Item 19., when selected, requires the surveyor to locate all of the improvements that belong to the properties that these offsite easements cross. This will require the surveyor to survey the subject property and the entire shopping mall. There are a few instances where this may be necessary; for example, if the subject property had specific rights to the parking areas in and around the offsite improvements, but otherwise it is likely that this is costly and unnecessary.

**CDS Table A Item 21.(b)** Graphically depict location of wetlands areas as identified through the U.S. Fish & Wildlife Service, National Wetlands Inventory registry (if applicable).

### **- Considerations –**

A key consideration for both the ALTA/NSPS Minimum Standards and Table A optional items is the purpose to satisfy the title insurance company underwriting needs to allow extended coverage. It is paramount to adhere to current certification language standards to ensure the value of the due diligence work cannot only be extracted from the current transaction but from future transactions regardless of the title insurance company or lender. It is essential that all parties to the transaction, including the surveyor, clearly communicates early and sets proper expectations of responsibilities. Communication is crucial to avoiding delays due to missing research data such as zoning information or revisions in title documents and policies. Clear communication also ensures that the proper level of survey work is completed to satisfy the needs of all parties to the transaction. Working with a well-qualified survey firm helps to avoid unnecessary charges and delays, provides quality work and ensures the financial strength necessary to address claims that may fall outside of what is provided by the title insurance company.

To begin the survey process properly and allow the surveyor to provide a proposal that aligns with the needs of the client, the client's request should provide at a minimum the following information.

- Physical address of the subject property(ies).
- Legal description of the subject property(ies).
- Required Table A Items.  
**CDS provides guidance through the attached Exhibit C indicating the Table A Items viewed as standard for a commercial real estate transaction.**
- Required delivery date.
- Contact information for the signing party for the project.
- Additional information as available.
  - Title commitment (prior or current).
  - Prior or existing land survey.

Upon award of the project, and to ensure delays are avoided, the client should be prepared to provide the surveyor the following information.

- Authorization and contact for site access.
- Contact information for the title insurance company involved.
- Contact information for legal representation involved.
- Contact information for zoning information or authorization to CDS to provide the proper zoning report required.

**Minimum Standard Detail Requirements**  
**For**  
**ALTA/NSPS Land Title Surveys**  
**(Effective February 23, 2016)**  
**Including Table A Items,**  
**Optional Surveyor Responsibilities and Specifications.**



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**MINIMUM STANDARD DETAIL REQUIREMENTS FOR  
ALTA/NSPS LAND TITLE SURVEYS**  
(Effective February 23, 2016)

**NOTE** - Attention is directed to the fact that 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.

**1. Purpose** - Members of the American Land Title Association® (ALTA®) have specific needs, unique to title insurance matters, when asked to insure title to land without exception as to the many matters which might be discoverable from survey and inspection, and which are not evidenced by the public records.

For a survey of real property, and the plat, map or record of such survey, to be acceptable to a title insurance company for the purpose of insuring title to said real property free and clear of survey matters (except those matters disclosed by the survey and indicated on the plat or map), certain specific and pertinent information must be presented for the distinct and clear understanding between the insured, the client (if different from the insured), the title insurance company (insurer), the lender, and the surveyor professionally responsible for the survey.

In order to meet such needs, clients, insurers, insureds, and lenders are entitled to rely on surveyors to conduct surveys and prepare associated plats or maps that are of a professional quality and appropriately uniform, complete, and accurate. To that end, and in the interests of the general public, the surveying profession, title insurers, and abstractors, the ALTA and the NSPS jointly promulgate the within details and criteria setting forth a minimum standard of performance for ALTA/NSPS Land Title Surveys. A complete 2016 ALTA/NSPS Land Title Survey includes:

- (i) the on-site fieldwork required pursuant to Section 5,
- (ii) the preparation of a plat or map pursuant to Section 6 showing the results of the fieldwork and its relationship to documents provided to or obtained by the surveyor pursuant to Section 4,
- (iii) any information from Table A items requested by the client, and
- (iv) the certification outlined in Section 7.

**2. Request for Survey** - The client shall request the survey, or arrange for the survey to be requested, and shall provide a written authorization to proceed from the person or entity responsible for paying for the survey. Unless specifically authorized in writing by the insurer, the insurer shall not be responsible for any costs associated with the preparation of the survey. The request shall specify that an "**ALTA/NSPS LAND TITLE SURVEY**" is required and which of the optional items listed in Table A, if any, are to be incorporated. Certain properties or interests in real properties may present issues outside those normally encountered on an ALTA/NSPS Land Title Survey (e.g., marinas, campgrounds, trailer parks; easements, leases, other non-fee simple interests). The scope of work related to surveys of such properties or interests in real properties should be discussed with the client, lender, and insurer; and agreed upon in writing prior to commencing work on the survey. The client may need to secure permission for the surveyor to enter upon the property to be surveyed, adjoining properties, or offsite easements.

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### 3. Surveying Standards and Standards of Care

- A. Effective Date** - The 2016 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys are effective February 23, 2016. As of that date, all previous versions of the Minimum Standard Detail Requirements for ALTA/ACSM Land Title Surveys are superseded by these standards.
- B. Other Requirements and Standards of Practice** - Many states and some local jurisdictions have adopted statutes, administrative rules, and/or ordinances that set out standards regulating the practice of surveying within their jurisdictions. In addition to the standards set forth herein, surveyors shall also conduct their surveys in accordance with applicable jurisdictional survey requirements and standards of practice. Where conflicts between the standards set forth herein and any such jurisdictional requirements and standards of practice occur, the more stringent shall apply.
- C. The Normal Standard of Care** - Surveyors should recognize that there may be unwritten local, state, and/or regional standards of care defined by the practice of the “prudent surveyor” in those locales.
- D. Boundary Resolution** - The boundary lines and corners of any property being surveyed as part of an ALTA/NSPS Land Title Survey shall be established and/or retraced in accordance with appropriate boundary law principles governed by the set of facts and evidence found in the course of performing the research and fieldwork.
- E. Measurement Standards** - The following measurement standards address Relative Positional Precision for the monuments or witnesses marking the corners of the surveyed property.
- i. “Relative Positional Precision” means the length of the semi-major axis, expressed in feet or meters, of the error ellipse representing the uncertainty due to random errors in measurements in the location of the monument, or witness, marking any corner of the surveyed property relative to the monument, or witness, marking any other corner of the surveyed property at the 95 percent confidence level. Relative Positional Precision is estimated by the results of a correctly weighted least squares adjustment of the survey.
  - ii. Any boundary lines and corners established or retraced may have uncertainties in location resulting from (1) the availability, condition, history and integrity of reference or controlling monuments, (2) ambiguities in the record descriptions or plats of the surveyed property or its adjoiners, (3) occupation or possession lines as they may differ from the written title lines, or (4) Relative Positional Precision. Of these four sources of uncertainty, only Relative Positional Precision is controllable, although, due to the inherent errors in any measurement, it cannot be eliminated. The magnitude of the first three uncertainties can be projected based on evidence; Relative Positional Precision is estimated using statistical means (see Section 3.E.i. above and Section 3.E.v. below).
  - iii. The first three of these sources of uncertainty must be weighed as part of the evidence in the determination of where, in the surveyor’s opinion, the boundary lines and corners of the surveyed property should be located (see Section 3.D. above). Relative Positional Precision is a measure of how precisely the surveyor is able to monument and report those positions; it is not a substitute for the application of proper boundary law principles. A boundary corner or line may have a small Relative Positional Precision because the survey measurements were precise, yet still be in the wrong position (*i.e.*, inaccurate) if it was established or retraced using faulty or improper application of boundary law principles.
  - iv. For any measurement technology or procedure used on an ALTA/NSPS Land Title Survey, the surveyor shall (1) use appropriately trained personnel, (2) compensate for systematic errors, including those associated with instrument calibration, and (3) use appropriate error propagation and measurement design theory (selecting the proper instruments, geometric layouts, and field and computational procedures) to control random errors such that the

maximum allowable Relative Positional Precision outlined in Section 3.E.v. below is not exceeded.

- v. The maximum allowable Relative Positional Precision for an ALTA/NSPS Land Title Survey is 2 cm (0.07 feet) plus 50 parts per million (based on the direct distance between the two corners being tested). It is recognized that in certain circumstances, the size or configuration of the surveyed property, or the relief, vegetation, or improvements on the surveyed property, will result in survey measurements for which the maximum allowable Relative Positional Precision may be exceeded. If the maximum allowable Relative Positional Precision is exceeded, the surveyor shall note the reason as explained in Section 6.B.x. below.

**4. Records Research** - It is recognized that for the performance of an ALTA/NSPS Land Title Survey, the surveyor will be provided with appropriate and, when possible, legible data which can be relied upon in the preparation of the survey. The request for an ALTA/NSPS Land Title Survey shall set forth the current record description of the property to be surveyed or, in the case of an original survey prepared for purposes of locating and describing real property that has not been previously separately described in documents conveying an interest in the real property, the current record description of the parent parcel that contains the property to be surveyed.

In order to complete an ALTA/NSPS Land Title Survey, the surveyor must be provided with complete copies of the most recent title commitment or, if a title commitment is not available, other title evidence satisfactory to the title insurer. In addition, the surveyor must be provided with the following:

- (i) The following records established under state statutes for the purpose of imparting constructive notice of matters relating to real property (public records):
  - (a) The current record descriptions of any adjoining to the property to be surveyed, except where such adjoining are lots in platted, recorded subdivisions;
  - (b) Any recorded easements benefitting the property;
  - (c) Any recorded easements, servitudes, or covenants burdening the property;
- (ii) Any unrecorded documents affecting the property being surveyed and containing information to which the survey shall make reference, if desired by the client.

Except, however, if the documents outlined above in (i) and (ii) of this section are not provided to the surveyor or if non-public or quasi-public documents are required to complete the survey, the surveyor shall be required to conduct only that research which is required pursuant to the statutory or administrative requirements of the jurisdiction where the property being surveyed is located and that research (if any) which is negotiated and outlined in the terms of the contract between the surveyor and the client.

**5. Fieldwork** - The survey shall be performed on the ground (except as otherwise negotiated pursuant to Table A, Item 15 below, if selected by the client). The fieldwork shall include the following, located to what is, in the surveyor's professional opinion, the appropriate degree of precision based on (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:

**A. Monuments**

- i. The location, size, character, and type of any monuments found during the fieldwork.
- ii. The location, size, character, and type of any monuments set during the fieldwork, if item 1 of Table A was selected or if otherwise required by applicable jurisdictional requirements and/or standards of practice.
- iii. The location, description, and character of any lines that control the boundaries of the

surveyed property.

**B. Rights of Way and Access**

- i. The distance from the appropriate corner or corners of the surveyed property to the nearest right of way line, if the surveyed property does not abut a right of way.
- ii. The name of any street, highway, or other public or private way abutting the surveyed property, together with the width of the travelled way and the location of each edge of the travelled way including on divided streets and highways. If the documents provided to or obtained by the surveyor pursuant to Section 4 indicate no access from the surveyed property to the abutting street or highway, the width and location of the travelled way need not be located.
- iii. Visible evidence of physical access (e.g., curb cuts, driveways) to any abutting streets, highways, or other public or private ways.
- iv. The location and character of vehicular, pedestrian, or other forms of access by other than the apparent occupants of the surveyed property to or across the surveyed property observed in the process of conducting the fieldwork (e.g., driveways, alleys, private roads, railroads, railroad sidings and spurs, sidewalks, footpaths).
- v. Without expressing a legal opinion as to ownership or nature, the location and extent of any potentially encroaching driveways, alleys, and other ways of access from adjoining properties onto the surveyed property observed in the process of conducting the fieldwork.
- vi. Where documentation of the location of any street, road, or highway right of way abutting, on, or crossing the surveyed property was not disclosed in documents provided to or obtained by the surveyor, or was not otherwise available from the controlling jurisdiction (see Section 6.C.iv. below), the evidence and location of parcel corners on the same side of the street as the surveyed property recovered in the process of conducting the fieldwork which may indicate the location of such right of way lines (e.g., lines of occupation, survey monuments).
- vii. Evidence of access to and from waters adjoining the surveyed property observed in the process of conducting the fieldwork (e.g., paths, boat slips, launches, piers, docks).

**C. Lines of Possession and Improvements along the Boundaries**

- i. The character and location of evidence of possession or occupation along the perimeter of the surveyed property, both by the occupants of the surveyed property and by adjoining, observed in the process of conducting the fieldwork.
- ii. Unless physical access is restricted, the character and location of all walls, buildings, fences, and other improvements within five feet of each side of the boundary lines, observed in the process of conducting the fieldwork. Trees, bushes, shrubs, and other natural vegetation need not be located other than as specified in the contract, unless they are deemed by the surveyor to be evidence of possession pursuant to Section 5.C.i.
- iii. Without expressing a legal opinion as to the ownership or nature of the potential encroachment, the evidence, location and extent of potentially encroaching structural appurtenances and projections observed in the process of conducting the fieldwork (e.g., fire escapes, bay windows, windows and doors that open out, flue pipes, stoops, eaves, cornices, areaways, steps, trim) by or onto adjoining property, or onto rights of way, easements, or setback lines disclosed in documents provided to or obtained by the surveyor.

**D. Buildings**

The location of buildings on the surveyed property observed in the process of conducting the fieldwork.

**E. Easements and Servitudes**

- i. Evidence of any easements or servitudes burdening the surveyed property as disclosed in the documents provided to or obtained by the surveyor pursuant to Section 4 and observed in the process of conducting the fieldwork.



- ii. Evidence of easements, servitudes, or other uses by other than the apparent occupants of the surveyed property not disclosed in the documents provided to or obtained by the surveyor pursuant to Section 4, but observed in the process of conducting the fieldwork if they appear to affect the surveyed property (e.g., roads; drives, sidewalks, paths and other ways of access; utility service lines; water courses; ditches; drains; telephone, fiber optic lines, or electric lines; or water, sewer, oil or gas pipelines on or across the surveyed property and on adjoining properties).
- iii. Surface indications of underground easements or servitudes on or across the surveyed property observed in the process of conducting the fieldwork (e.g., utility cuts, vent pipes, filler pipes).
- iv. Evidence on or above the surface of the surveyed property observed in the process of conducting the fieldwork, which evidence may indicate utilities located on, over or beneath the surveyed property. Examples of such evidence include pipeline markers, manholes, valves, meters, transformers, pedestals, clean-outs, utility poles, overhead lines and guy wires.

**F. Cemeteries**

As accurately as the evidence permits, the perimeter of cemeteries and burial grounds, and the location of isolated gravesites not within a cemetery or burial ground, (i) disclosed in the documents provided to or obtained by the surveyor, or (ii) observed in the process of conducting the fieldwork.

**G. Water Features**

- i. The location of springs, ponds, lakes, streams, rivers, canals, ditches, marshes, and swamps on, running through, or outside, but within five feet of the perimeter boundary of, the surveyed property, observed during the process of conducting the fieldwork.
- ii. The location of any water feature forming a boundary of the surveyed property. The attribute(s) of the water feature located (e.g., top of bank, edge of water, high water mark) should be congruent with the boundary as described in the record description or, in the case of an original survey, in the new description (see Section 6.B.vi. below).

**6. Plat or Map** - A plat or map of an ALTA/NSPS Land Title Survey shall show the following information. Where dimensioning is appropriate, dimensions shall be annotated to what is, in the surveyor's professional opinion, the appropriate degree of precision based on (a) the planned use of the property, if reported in writing to the surveyor by the client, lender, or insurer, or (b) existing use, if the planned use is not so reported.

**A. The evidence and locations gathered, and the monuments and lines located during the fieldwork pursuant to Section 5 above, with accompanying notes if deemed necessary by the surveyor or as otherwise required as specified below.**

**B. Boundary, Descriptions, Dimensions, and Closures**

- i. (a) The current record description of the surveyed property, or  
(b) In the case of an original survey, the current record description of the parent tract that contains the surveyed property.
- ii. Any new description of the surveyed property that was prepared in conjunction with the survey, including a statement explaining why the new description was prepared. Except in the case of an original survey, preparation of a new description should be avoided unless deemed necessary or appropriate by the surveyor and insurer. Preparation of a new description should also generally be avoided when the record description is a lot or block in a platted, recorded subdivision. Except in the case of an original survey, if a new description is prepared, a note shall be provided stating (a) that the new description describes the same real estate as the record description or, if it does not, (b) how the new description differs from

- the record description.
- iii. The point of beginning, the remote point of beginning or point of commencement (if applicable) and all distances and directions identified in the record description of the surveyed property (and in the new description, if one was prepared). Where a measured or calculated dimension differs from the record by an amount deemed significant by the surveyor, such dimension shall be shown in addition to, and differentiated from, the corresponding record dimension. All dimensions shown on the survey and contained in any new description shall be ground dimensions unless otherwise noted.
  - iv. The directional, distance and curve data necessary to compute a mathematical closure of the surveyed boundary. A note if the record description does not mathematically close. The basis of bearings and, where it differs from the record basis, the difference.
  - v. The remainder of any recorded lot or existing parcel, when the surveyed property is composed of only a portion of such lot or parcel, shall be graphically depicted. Such remainder need not be included as part of the actual survey, except to the extent necessary to locate the lines and corners of the surveyed property, and it need not be fully dimensioned or drawn at the same scale as the surveyed property.
  - vi. When the surveyed property includes a title line defined by a water boundary, a note on the face of the plat or map noting the date the boundary was measured, which attribute(s) of the water feature was/were located, and the caveat that the boundary is subject to change due to natural causes and that it may or may not represent the actual location of the limit of title. When the surveyor is aware of natural or artificial realignments or changes in such boundaries, the extent of those changes and facts shall be shown or explained.
  - vii. The relationship of the boundaries of the surveyed property with its adjoiners (e.g., contiguity, gaps, overlaps), where ascertainable from documents provided to or obtained by the surveyor pursuant to Section 4 and/or from field evidence gathered during the process of conducting the fieldwork. If the surveyed property is composed of multiple parcels, the extent of any gaps or overlaps between those parcels shall be identified. Where gaps or overlaps are identified, the surveyor shall, prior to or upon delivery of the final plat or map, disclose this to the insurer and client.
  - viii. When, in the opinion of the surveyor, the results of the survey differ significantly from the record, or if a fundamental decision related to the boundary resolution is not clearly reflected on the plat or map, the surveyor shall explain this information with notes on the face of the plat or map.
  - ix. The location of all buildings on the surveyed property, located pursuant to Section 5.D., dimensioned perpendicular to those perimeter boundary lines that the surveyor deems appropriate (i.e., where potentially impacted by a setback line) and/or as requested by the client, lender or insurer.
  - x. A note on the face of the plat or map explaining the site conditions that resulted in a Relative Positional Precision that exceeds the maximum allowed pursuant to Section 3.E.v.
  - xi. A note on the face of the plat or map identifying areas, if any, on the boundaries of the surveyed property, to which physical access within five feet was restricted (see Section 5.C.ii.).
  - xii. A note on the face of the plat or map identifying the source of the title commitment or other title evidence provided pursuant to Section 4, and the effective date and the name of the insurer of same.
- C. Easements, Servitudes, Rights of Way, Access, and Documents**
- i. The location, width, and recording information of all plottable rights of way, easements, and servitudes burdening and benefitting the property surveyed, as evidenced by documents provided to or obtained by the surveyor pursuant to Section 4.

- ii. A summary of all rights of way, easements and servitudes burdening the property surveyed and identified in the title evidence provided to or obtained by the surveyor pursuant to Section 4. Such summary shall include the record information of each such right of way, easement or servitude, a statement indicating whether or not it is shown on the plat or map, and a related note if:
  - (a) the location cannot be determined from the record document;
  - (b) there was no observed evidence at the time of the fieldwork;
  - (c) it is a blanket easement;
  - (d) it is not on, or does not touch, the surveyed property;
  - (e) it limits access to an otherwise abutting right of way;
  - (f) the documents are illegible; or
  - (g) the surveyor has information indicating that it may have been released or otherwise terminated.

In cases where the surveyed property is composed of multiple parcels, indicate which of such parcels the various rights of way, easements, and servitudes cross or touch.

- iii. A note if no physical access to a public way was observed in the process of conducting the fieldwork.
- iv. The locations and widths of rights of way abutting or crossing the surveyed property, and the source of such information, (a) where available from the controlling jurisdiction, or (b) where disclosed in documents provided to or obtained by the surveyor pursuant to Section 4.
- v. The identifying titles of all recorded plats, filed maps, right of way maps, or similar documents which the survey represents, wholly or in part, with their recording or filing data.
- vi. For non-platted adjoining land, recording data identifying adjoining tracts according to current public records. For platted adjoining land, the recording data of the subdivision plat.
- vii. Platted setback or building restriction lines which appear on recorded subdivision plats or which were disclosed in documents provided or obtained by the surveyor.

#### D. Presentation

- i. The plat or map shall be drawn on a sheet of not less than 8 ½ by 11 inches in size at a legible, standard engineering scale, with that scale clearly indicated in words or numbers and with a graphic scale.
- ii. The plat or map shall include:
  - (a) The boundary of the surveyed property drawn in a manner that distinguishes it from other lines on the plat or map.
  - (b) If no buildings were observed on the surveyed property in the process of conducting the fieldwork, a note stating “*No buildings observed.*”
  - (c) A north arrow (with north to the top of the drawing when practicable).
  - (d) A legend of symbols and abbreviations.
  - (e) A vicinity map showing the property in reference to nearby highway(s) or major street intersection(s).
  - (f) Supplementary or detail diagrams when necessary.
  - (g) Notes explaining any modifications to Table A items and the nature of any additional Table A items (e.g., 21(a), 21(b), 21(c)) that were negotiated between the surveyor and client.
  - (h) The surveyor’s project number (if any), and the name, registration or license number, signature, seal, street address, telephone number, company website, and email address (if any) of the surveyor who performed the survey.
  - (i) The date(s) of any revisions made by the surveyor who performed the survey.
  - (j) Sheet numbers where the plat or map is composed of more than one sheet.
  - (k) The caption “ALTA/NSPS Land Title Survey.”

iii. When recordation or filing of a plat or map is required by law, such plat or map shall be produced in recordable form.

7. **Certification** - The plat or map of an ALTA/NSPS Land Title Survey shall bear only the following certification, unaltered, except as may be required pursuant to Section 3.B. above:

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 2016 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes Items \_\_\_\_\_ of Table A thereof. The fieldwork was completed on \_\_\_\_\_ [date].

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

8. **Deliverables** - The surveyor shall furnish copies of the plat or map of survey to the insurer and client and as otherwise negotiated with the client. Hard copies shall be on durable and dimensionally stable material of a quality standard acceptable to the insurer. A digital image of the plat or map may be provided in addition to, or in lieu of, hard copies pursuant to the terms of the contract. When required by law or requested by the client, the plat or map shall be produced in recordable form and recorded or filed in the appropriate office or with the appropriate agency.



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**TABLE A**

**OPTIONAL SURVEY RESPONSIBILITIES AND SPECIFICATIONS**

*NOTE: The twenty (20) items of Table A may be negotiated between the surveyor and client. Any additional items negotiated between the surveyor and client shall be identified as 21(a), 21(b), etc. and explained pursuant to Section 6.D.ii.(g). Notwithstanding Table A Items 5 and 11, if an engineering design survey is desired as part of an ALTA/NSPS Land Title Survey, such services should be negotiated under Table A, Item 21.*

**If checked, the following optional items are to be included in the ALTA/NSPS 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 in close proximity to the corner.*
2. \_\_\_\_\_ *Address(es) of the surveyed property if disclosed in documents provided to or obtained by the surveyor, or observed while conducting the fieldwork.*
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, aerial map), contour interval, datum, and originating benchmark identified.*
6. \_\_\_\_\_ *(a) If set forth in a zoning report or letter provided to the surveyor by the client, list the current zoning classification, setback requirements, the height and floor space area restrictions, and parking requirements. Identify the date and source of the report or letter.*  
\_\_\_\_\_ *(b) If the zoning setback requirements are set forth in a zoning report or letter provided to the surveyor by the client, and if those requirements do not require an interpretation by the surveyor, graphically depict the building setback requirements. Identify the date and source of the report or letter.*
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 fieldwork (in addition to the improvements and features required pursuant to Section 5 above) (e.g., parking lots, billboards, signs, swimming pools, landscaped areas, substantial areas of refuse).*
9. \_\_\_\_\_ *Number and type (e.g., disabled, motorcycle, regular and other marked specialized types) of clearly identifiable parking spaces on surface parking areas, lots and in parking structures. Striping of clearly identifiable parking spaces on surface parking areas and lots.*
10. \_\_\_\_\_ *(a) As designated by the client, a determination of the relationship and location of certain division or party walls with respect to adjoining properties (client to obtain necessary permissions).*
- \_\_\_\_\_ *(b) As designated by the client, a determination of whether certain walls are plumb (client to obtain necessary permissions).*
11. \_\_\_\_\_ *Location of utilities existing on or serving the surveyed property as determined by:*
- *observed evidence collected pursuant to Section 5.E.iv.*
  - *evidence from plans requested by the surveyor and obtained from utility companies, or provided by client (with reference as to the sources of information), and*
  - *markings requested by the surveyor pursuant to an 811 utility locate or similar request*
- Representative examples of such utilities include, but are not limited to:*
- *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 to the client, insurer, and lender - With regard to Table A, item 11, source information from plans and markings will be combined with observed evidence of utilities pursuant to Section 5.E.iv. to develop a view of the underground utilities. However, lacking excavation, the exact location of underground features cannot be accurately, completely, and reliably depicted. In addition, in some jurisdictions, 811 or other similar utility locate requests from surveyors may be ignored or result in an incomplete response, in which case the surveyor shall note on the plat or map how this affected the surveyor's assessment of the location of the utilities. Where additional or more detailed information is required, the client is advised that excavation and/or a private utility locate request may be necessary.*
12. \_\_\_\_\_ *As specified by the client, Governmental Agency survey-related requirements (e.g., HUD surveys, surveys for leases on Bureau of Land Management managed lands).*

13. \_\_\_\_\_ *Names of adjoining owners according to current tax records. If more than one owner, identify the first owner's name listed in the tax records followed by "et al."*
14. \_\_\_\_\_ *As specified by the client, distance to the nearest intersecting street.*
15. \_\_\_\_\_ *Rectified orthophotography, photogrammetric mapping, remote sensing, 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. \_\_\_\_\_ *Evidence of recent earth moving work, building construction, or building additions observed in the process of conducting the fieldwork.*
17. \_\_\_\_\_ *Proposed changes in street right of way lines, if such information is made available to the surveyor by the controlling jurisdiction. Evidence of recent street or sidewalk construction or repairs observed in the process of conducting the fieldwork.*
18. \_\_\_\_\_ *If there has been a field delineation of wetlands conducted by a qualified specialist hired by the client, the surveyor shall locate any delineation markers observed in the process of conducting the fieldwork and show them on the face of the plat or map. If no markers were observed, the surveyor shall so state.*
19. \_\_\_\_\_ *Include any plottable offsite (i.e., appurtenant) easements or servitudes disclosed in documents provided to or obtained by the surveyor as a part of the survey pursuant to Sections 5 and 6 (and applicable selected Table A items) (client to obtain necessary permissions).*
20. \_\_\_\_\_ *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, but this item shall not be addressed on the face of the plat or map.*
21. \_\_\_\_\_ \_\_\_\_\_

*Adopted by the Board of Governors, American Land Title Association, on October 8, 2015.  
American Land Title Association, 1800 M St., N.W., Suite 300S, Washington, D.C. 20036-5828.  
[www.alta.org](http://www.alta.org)*

*Adopted by the Board of Directors, National Society of Professional Surveyors, on October 9, 2015.  
National Society of Professional Surveyors, Inc., 5119 Pegasus Court, Suite Q, Frederick, MD 21704.  
<http://www.nsp.us.com/>*

**Commercial Due Diligence Services’  
Exhibit C of the  
ALTA/NSPS Land Title Surveys Table A  
Optional Surveyor Responsibilities  
and Specifications.**

**Options Marked in Blue are the Standard  
Requirements Provided by CDS**

## “Exhibit C”

### CDS 2016 TABLE A OPTIONS PROVIDED AS STANDARD FROM CDS Table "A" Optional Survey Responsibilities and Specifications

*NOTE: The twenty (20) items of Table A may be negotiated between the surveyor and client. Any additional items negotiated between the surveyor and client shall be identified as 21(a), 21(b), etc. and explained pursuant to Section 6.D.ii.(g). Notwithstanding Table A Items 5 and 11, if an engineering design survey is desired as part of an ALTA/NSPS Land Title Survey, such services should be negotiated under Table A, Item 21.*

**If the box is filled in, the following optional items are to be included in the ALTA/NSPS 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 an existing monument or witness in close proximity to the corner. **[Except in states that require record monument platting]**
- 2. Address(es) of the surveyed property if disclosed in documents provided to or obtained by the surveyor, or observed while conducting the fieldwork.
- 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, aerial map), contour interval, datum, and originating benchmark identified.
- 6.
  - (a) If set forth in a zoning report or letter provided to the surveyor by the client, list the current zoning classification, setback requirements, the height and floor space area restrictions, and parking requirements. Identify the date and source of the report or letter.
  - (b) If the zoning setback requirements are set forth in a zoning report or letter provided to the surveyor by the client, and if those requirements do not require an interpretation by the surveyor, graphically depict the building setback requirements. Identify the date and source of the report or letter.
- 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 fieldwork (in addition to the improvements and features required pursuant to Section 5 above) (e.g., parking lots, billboards, signs, swimming pools, landscaped areas, substantial areas of refuse).
- 9. Number and type (e.g., disabled, motorcycle, regular and other marked specialized types) of clearly identifiable parking spaces on surface parking areas, lots and in parking structures. Striping of clearly identifiable parking spaces on surface parking areas and lots.
- 10.
  - (a) As designated by the client, a determination of the relationship and location of certain division or party walls with respect to adjoining properties (client to obtain necessary permissions).
  - (b) As designated by the client, a determination of whether certain walls are plumb (client to obtain necessary permissions).
- 11. Location of utilities existing on or serving the surveyed property as determined by:
  - observed evidence collected pursuant to Section 5.E.iv.
  - evidence from plans requested by the surveyor and obtained from utility companies, or provided by client (with reference as to the sources of information), and
  - markings requested by the surveyor pursuant to an 811 utility locate or similar requestRepresentative examples of such utilities include, but are not limited to:
  - 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 poles crossmembers or overhangs; and
  - Utility company installations on the surveyed property.



Note to the client, insurer, and lender - With regard to Table A, item 11, source information from plans and markings will be combined with observed evidence of utilities pursuant to Section 5.E.iv. to develop a view of the underground utilities. However, lacking excavation, the exact location of underground features cannot be accurately, completely, and reliably depicted. In addition, in some jurisdictions, 811 or other similar utility locate requests from surveyors may be ignored or result in an incomplete response, in which case the surveyor shall note on the plat or map how this affected the surveyor's assessment of the location of the utilities. Where additional or more detailed information is required, the client is advised that excavation and/or a private utility locate request may be necessary.

- **12.** As specified by the client, Governmental Agency survey-related requirements (e.g., HUD surveys, surveys for leases on Bureau of Land Management managed lands).
- **13.** Names of adjoining owners according to current tax records. If more than one owner, identify the first owner's name listed in the tax records followed by "et al."
- **14.** As specified by the client, distance to the nearest intersecting street.
- **15.** Rectified orthophotography, photogrammetric mapping, remote sensing, 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.** Evidence of recent earth moving work, building construction, or building additions observed in the process of conducting the fieldwork.
- **17.** Proposed changes in street right of way lines, if such information is made available to the surveyor by the controlling jurisdiction. Evidence of recent street or sidewalk construction or repairs observed in the process of conducting the fieldwork.
- **18.** If there has been a field delineation of wetlands conducted by a qualified specialist hired by the client, the surveyor shall locate any delineation markers observed in the process of conducting the fieldwork and show them on the face of the plat or map. If no markers were observed, the surveyor shall so state.
- **19.** Include any plottable offsite (i.e., appurtenant) easements or servitudes disclosed in documents provided to or obtained by the surveyor as a part of the survey pursuant to Sections 5 and 6 (and applicable selected Table A items) (client to obtain necessary permissions).
- **20.** 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, but this item shall not be addressed on the face of the plat or map.
- **21.**
  - (a) Graphically depict in relation to the subject tract or property any offsite easements or servitudes benefitting the surveyed property and disclosed in Record Documents provided to the surveyor as part of the Schedule "A".
  - (b) Graphically depict location of wetland areas as identified through the National Wetlands Inventory (if applicable).

***The Survey Checklist.*** Once an ALTA Land Title Survey is received there are many items that require attention. It is during the initial review of the survey that one gains an appreciation for the purpose driven standards and realizes the art contained within the presentation.

Although each commercial real estate transaction is unique, CDS believes that they all may be reviewed against the following eight distinct items of concern.

### **Schedule “A” Legal Description**

- Does the number and effective date of the title commitment match the survey?
- Does the description on the survey match word-for-word as contained in Schedule “A”?
- Does the survey drawing match the Schedule “A” description?  
Can the metes and bounds description be followed around the boundary depicted on the survey? If described as lot and block, check that the designation is labeled properly.
- Does the description “close” as written?
- Does the acreage from closure match the acreage shown on the survey?
- If the subject property contains multiple tracts, verify the property is contiguous.

### **Schedule “B” Listing**

- Are all easements, rights of way and similar exceptions from the title report listed?
- Are all items on the survey listing noted as to whether they apply and affect the property or not? Make note of any missing or illegible documents reported by the surveyor.
- Are there any items noted as “Does Not Affect Subject Property”?
- Are there items noted by the surveyor as being graphically depicted?
- Are there additional easements noted on the survey drawing that are not reflected in Schedule “B”?

### **Certification**

- Are the Certified to Parties (CTP) complete and correct?
- Is the certification a 2016 ALTA certification?

### **Encroachments**

- Are there any encroachments onto the subject property shown?
- Are there any encroachments or protrusions onto the adjoining land from the subject property shown?
- Are there any encroachments of buildings or other structures onto or over easements?
- Are there any utilities shown on the survey drawing that do not fall within an easement or right of way of record as referenced in Schedule “B”?

### **Access**

- Does the subject property have direct access to a public right of way?
- Does the subject property have access to a public right of way via an easement over land of others?

### **Water Boundaries**

- Does the subject property abut (share a boundary) with a body of water?

### **Zoning**

- Are there any buildings or structures over setback lines?
- Is the building height listed on the survey less than or equal to the maximum building height restriction listed on the survey?
- Are the parking spaces shown and/or listed on the survey drawing sufficient to satisfy the zoning requirements reported?
- What is the Flood Hazard Area noted on the survey?

### **Title Concerns**

- Is there any notation on the survey drawing regarding any interest or claim of interest in and to the subject property?
- Is there any notation on the survey drawing regarding any evidence of obvious users of the subject property by others?

Any and all items of concern that are identified should be immediately verified with the Professional Land Surveyor providing the survey and brought to the attention of the title insurance company for further review and consideration.

**Additional Commercial Due Diligence  
Considerations Include:  
Zoning Reports and Flood Elevation  
Certificates.**

***The Zoning Report.*** Table A Item 6.(a) stipulates that zoning information is to be provided to the surveyor by the client. This item requires the client to engage municipalities directly or engage a zoning information resource like CDS to provide the applicable zoning information to the surveyor.

When obtaining a zoning report from a professional organization, you should be confident that their knowledgeable staff will use highly trained investigative skills to provide a comprehensive and accurate report. It is their responsibility to ensure that they have searched all available information from the proper municipality offices. Navigating the varied processes held by each municipality across the nation can be very time consuming, difficult to manage and frustrating as a single call or written request generally does not produce the appropriate information required.

Key zoning items for review, at a minimum, should include; permitted use, right to rebuild, municipality requirements (i.e. parking, building height, setbacks and bulk requirements), building and fire code violations, certificate of occupancy and a copy of the municipality's zoning code.

CDS offers the following reports that include key items of concern and additional review of the zoning information available in comparison to an ALTA Land Title Survey of the subject property as provided or performed by CDS.

#### **CDS Compliance Report -**

**(Supporting 3.1 and 3.2 title endorsements for most title insurance companies)**

- Permitted Use Statement
- Zoning Compliance or Verification Letter (as provided by the municipality)
- Applicable Municipal Zoning Code Sections including Minimum Parking Requirements and Right to Re-Build Provision
- Applicable Variances, Special Permits, Conditions, Ordinances and Rezoning Approvals
- Notice of Outstanding Zoning / Building Code Violations
- Copy of Existing Certificate(s) of Occupancy
- Copy of Zoning Map or Applicable Map Portion and/or Adjacent Property Zoning Designations (as available from the municipality)
- Table of Current Applicable Municipal Zoning Requirements
- Conforming Status as Provided by the Municipality
- Comparison of Current Zoning Requirements to Existing ALTA Survey Conditions  
*(Provided as applicable when survey is provided within 30 days of request)*

#### **CDS Executive Summary Report –**

- Permitted Use Statement
- Applicable Municipal Zoning Code Sections including Minimum Parking Requirements and Right to Re-Build Provision
- Table of Current Applicable Municipal Zoning Requirements
- Conforming Status as Provided by the Municipality
- Comparison of Current Zoning Requirements to Existing ALTA Survey Conditions  
*(Requires a current or previous ALTA Survey)*
- ***Delivered Within One Week Upon Receipt of the ALTA Survey***



## **CDS Zoning Letter & Code -**

**(Supporting 3-06 unimproved land title endorsements for most title insurance companies)**

- Zoning Compliance or Verification Letter (as provided by the municipality)  
Request zoning district, Permitted Use, Code Violations, Conformance (follow up made if not provided in municipality letter)
- Applicable Municipal Zoning Code Sections including Minimum Parking Requirements and Right to Re-Build Provision
- Copy of Zoning Map or Applicable Map Portion and/or Adjacent Property Zoning Designations (as available from the municipality)

A comprehensive zoning report is the compilation of information mined from municipalities through direct contact, written correspondence and on-line research. The key to producing a beneficial report is in the timing, organization, review of documents, presentation and summary of the zoning information.

When ordering a zoning report it is best to engage the process as soon as possible during the due diligence phase to avoid delays. Many municipalities are understaffed; require payment of fees up front and take weeks to respond. To begin the zoning process the request should provide the following information.

- Physical address of the subject property(ies).  
Note – most municipalities are not accepting of property legal descriptions as provided in the title commitment.
- Assessor's Parcel Number (APN) also known as Tax ID.
- Client's current and/or intended use of the property.
- Required delivery date.

Note – additional information specific to the property type and use may be required after the initial review of the zoning code.

***Flood Elevation Services.*** Clients and lenders require confirmation regarding a property's location in or out of a Special Flood Hazard Area as established by the Federal Emergency Management Agency (FEMA) to evaluate risk of loss and the requirement to obtain a flood insurance policy. When ordering an ALTA Land Title Survey, Table A Item 3. is available to guide the Professional Land Surveyor to utilize the federal Flood Insurance Rate Map to provide a flood zone classification and depict the area on the plat or map for the evaluation.

The designation of a property, as it relates to a Special Flood Hazard Area, can also be provided in the form of a Flood Determination Report when an ALTA Land Title Survey is not necessary. The Flood Determination Report provides information that satisfies the lender's requirements and may be set to automatically notify the lender should changes in the FEMA map effect the subject property. The Life of Loan Flood Determination option provides automated alerts specific to the lender for the project and expires with the loan.

Special Flood Hazard Areas are classified into different zones that categorize risk levels from High, Undetermined, Moderate and Low. The highest risk classifications are Zone "A" and Zone "V".

- **Zone "A"** (sub-designations: AE, AH, AO and A1-A99) these are Special Flood Hazard Areas where flooding may be expected to occur at least once within 100 year period. All lenders must require borrowers to purchase and maintain flood insurance for Zone "A" properties.
- **Zone "V"** (sub-designations: VE and V1-V99) Coastal Flood Hazard Areas subject to both flooding and severe tidal conditions. Flood insurance is mandatory.

The above zones, established by FEMA, stipulate that federally backed loans obligate the lender to require flood insurance for the property. This requirement is only necessary when assets (i.e. buildings, structure, mechanical equipment or other permanent improvement of value) are at risk for loss due to flooding because of their location within the Special Flood Hazard Area. When only unimproved land is located within the Special Flood Hazard Area, a policy is not required.

When it is determined a flood insurance policy is required, the next logical step is to order an Elevation Certificate. The Elevation Certificate is a FEMA mandated form completed by a Professional Land Surveyor from on-site measurements of specific elevations collected at the property. The flood insurance provider will utilize the data for submission to the National Flood Insurance Program (NFIP) to provide the client an accurate rate based on the characteristics of the building. Without the Elevation Certificate, structures determined to be in a Special Flood Hazard Area may receive a higher standard rate instead of a lower "Preferred Rate".

Four of the key data points collected during the Professional Land Surveyor's on-site field visit, and evaluated by the NFIP and the insurance policy provider, for determination of a potential Preferred Rate are...

- **Base Flood Elevation (BFE)** the elevation of the flood having a one percent chance of being equaled or exceeded in any given year, as approved by FEMA.
- **Lowest Adjacent Grade (LAG)** the lowest point of ground level immediately next to a building.
- **Highest Adjacent Grade (HAG)** the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.
- **Finished Floor Elevation (FFE)** generally referred to as the lowest level containing improvements of the structure.

When ordering a Flood Determination Report or Flood Elevation Certificate the request should provide the following information.

- Physical address of the subject property(ies).  
Note – most municipalities are not accepting of property legal descriptions as provided in the title commitment.
- Lender's information (name, address, phone, etc.)
- Assessor's Parcel Number (APN) also known as Tax ID.
- Client's current and/or intended use of the property.
- Required delivery date.

Once the project is awarded, and to ensure delays are avoided, the client should be prepared to provide the surveyor the following information.

- Authorization and contact for site access.
- Site map depicting structures.
- Certified to parties.
- Parties responsible for payment.





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