

Boundary Survey

A boundary survey, as the name implies, is for the purposes of determining the locations of the lines and corners of a land parcel. These can be very simple and basic, or they can be very complex and involve difficult title and ownership issues.

Two Schools of Thought

There are two schools of thought among surveyors as to the role of the surveyor when performing a boundary survey. One school of thought is that it is the surveyor's role to stake out exactly what is written in the property deed, show any conflicts with that information, and then send the client to an attorney to sort it out or fight it out.

The other school of thought is that it is the surveyor's role to render a professional opinion as to where the parcel boundary would most likely be if adjudicated in a court of law. That means that the surveyed boundary may or may not be exactly where the deed dimensions imply that it should be. To do this, the surveyor must not only locate all available evidence that either supports or conflicts with the deed location, but must also analyze that data in light of relevant laws using previous court decisions as a guide to the application of those laws.

The advantage to the first school of thought is that the survey will most likely cost less and can often be completed in less time. The disadvantages are that the landowner can be left with a situation that they are usually not equipped or trained to deal with, conflicts are found by the surveyor that become the source of hard feelings or enmity among neighbors, and often the only recourse to settle the issue is through expensive legal remedies.

The advantage of the second school of thought is that a comprehensive survey and administrative or survey related solutions to boundary conflicts cost much less than a law suit. A survey performed in this manner is far more likely to withstand a challenge in court, should it come to that, because the surveyor has already applied the appropriate case law precedents to the boundary determination.

Three Levels of Effort

Generally speaking, there are three levels of services that you can receive for a boundary survey. These levels do not refer to quality of service, but to amount of effort required in terms of research, field work, and mapping.

In some cases, the parcel being surveyed has been surveyed at some point in the past and is shown on a recorded map. If the surveyor finds that all of the corner monuments are present, and that the measurements of the current survey agree with those of the older one, then, by law, there is no map required to be filed. The surveyor and client may consider the survey to be complete at this point, or the surveyor may issue a written report of the survey made.

If the surveyor is required to replace any monuments for a property that has been previously surveyed and shown on a recorded map, then a document called a Corner Record must be filed with the County Surveyor. A Corner Record is an 8 ½ x 11 document that has a brief report of the survey and a certification on its face, and a simple drawing or sketch of the survey on its back.

At the top level, a Record of Survey drawing is required. This is an 18" x 26" map of the survey and may be more than one sheet, depending upon the size of the parcel and complexity of the survey. There are a number of factors that might trigger the requirement for a Record of Survey, that include, but are not limited to 1) the parcel having never been surveyed and depicted on a record map, 2) surveyed boundary dimensions differing significantly from those in record title or survey documents, 3) setting new points or creating new lines not shown on any previously recorded map.

A record of survey is not always required, but the client may wish for one to be filed, and can request that the surveyor prepare and file such a map, even if the current survey has no differences from a previous one.

Beyond that, these levels of service are not optional. They are depend upon the evidence found and are dictated by state law. The client and surveyor may enter into a contract each thinking that only a Corner Record will be required, only to find, once the initial field work is performed that one or more of the statutory triggers for a Record of Survey are present. At that point, the surveyor is obligated, by law, to prepare and file the Record of Survey. Most surveyors will have a provision in their contract to cover this eventuality that will require the client to pay for the extra effort incurred by the surveyor.

Each of these levels represents an increase in the amount of research, fieldwork, calculations, analysis, and drafting by the surveyor. In most cases, a survey requiring a Record of Survey will cost about twice as much as a survey for a similar property requiring no map, and a survey requiring a Corner Record will fall about halfway between those.